

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



APRIL 17, 2023

**BOARD MEETING
AND
REINSTATEMENT HEARINGS**

**Courtyard by Marriott
2100 Empire Ave
Burbank, CA 91504**

**CALIFORNIA BOARD OF
BARBERING AND
COSMETOLOGY
BOARD MEETING NOTICE AND
AGENDA**

*Action may be taken on
any item listed on the
agenda.*

BOARD MEMBERS:
Calimay Pham,
President
Tonya Fairley, Vice
President
Megan Ellis
Kellie Funk
Reese Isbell
Yolanda Jimenez
Colette Kavanaugh
Danielle Munoz
Jacob Rostovsky
Steve Weeks

April 17, 2023
Courtyard by Marriott
2100 Empire Avenue
Burbank, CA 91504

**9:00am - Until Completion of
Business**

AGENDA

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum (**Calimay Pham**)
2. Petition for Reinstatement Hearings
 - Edmund Rhodes, Petition for Reinstatement of License, Barber License #B68079
 - Kira Boranian, Petition for Reinstatement of License, Cosmetologist License #KK425835

CLOSED SESSION: Pursuant to Government Code section 11126 (c) (3), the Board will meet in Closed Session to Deliberate on Disciplinary Matters, including the above petitions.

RECONVENE OPEN SESSION:

3. Board President's Welcome (**Calimay Pham**)
4. Board Member Updates – Informational only
5. Discussion and Possible Approval of the January 23, 2023, Board Meeting Minutes
6. Executive Management Reports (**Kristy Underwood**)
 - a) Administration and Operations
 - b) Licensing, Examinations, and Disciplinary Review Appeals
 - c) Enforcement, Inspections, and Cite and Fine
 - d) Outreach
 - e) SB 803 (Roth) Implementation Plan
 - f) Strategic Plan Update

7. Review and Possible Approval of 2023 Board Member Guidelines and Procedures Manual
8. Overview of the Electrology Scope of Practice
9. Report on the March 13, 2023, Licensing and Examination Committee Meeting
(Steve Weeks, Chairperson)
10. Report on the March 13, 2023, Education and Outreach Committee Meeting **(Tonya Fairley, Chairperson)**
11. Report on the March 13, 2023, Enforcement and Inspections Committee Meeting
(Danielle Munoz, Chairperson)
12. Report on the February 13, 2023, March 13, 2023, and April 10, 2023, Legislative and Budget Committee Meetings, Consideration of Committee Recommendations and Possible Action on Proposed Bills **(Reese Isbell, Chairperson)**:
 - a) AB 1328 (Gipson) Cosmetology Licensure Compact
 - b) SB 247 (Wilk) Alcoholic beverages: licensing exemptions: barbering and cosmetology services
 - c) SB 384 (Bradford) Barbering and Cosmetology
 - d) SB 451 (Nguyen) Worker classification: employees and independent contractors: licensed manicurists
 - e) SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
 - f) SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees
13. Report on the March 20, 2023, Health and Safety Advisory Committee Meeting **(Calimay Pham, Chairperson)**
14. Discussion and Update Regarding Rulemaking Proposals:
 - a) Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, and 962, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)
 - b) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)
 - c) Update Regarding Rulemaking to Amend Title 16, CCR section 950.10 (Transfer of Credit)
 - d) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)
 - e) Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
15. Public Comment on Items Not on the Agenda
Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))
16. Suggestions for Future Agenda Items
17. Adjournment

Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Natalie Mitchell at (916) 244-6644, email: natalie.mitchell@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

Agenda Item
No. 1
No Attachments

Agenda Item
No. 2
No Attachments

Agenda Items

No. 3-4

No Attachments

DRAFT
**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

BOARD MEETING

MINUTES OF JANUARY 23, 2023

BOARD MEMBERS PRESENT

Steve Weeks, President
Calimay Pham, Vice President
Megan Ellis
Tonya Fairley
Kellie Funk
Reese Isbell
Yolanda Jimenez
Colette Kavanaugh
Danielle Munoz
Jacob Rostovsky

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Alex Torkelson, Operations and Licensing Chief
Sabina Knight, Board Legal Representative
Allison Lee, Board Project Manager
Natalie Mitchell, Board Analyst

1. AGENDA ITEM #1, CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF QUORUM

Steve Weeks, Board President, called the meeting to order at approximately 9:00 a.m. confirmed the presence of a quorum.

2. AGENDA ITEM #2, BOARD PRESIDENT'S OPENING REMARKS

Mr. Weeks welcomed the new Board members. He mentioned that Colette Kavanaugh was the first licensed electrologist the Board has had in a long time. He also stated that his term as Board President had come to an end and mentioned some of the Board's accomplishments during his term. These accomplishments included:

- Successful Sunset hearing
- Passage of Senate Bill 803
- The hairstylist license
- Personal Service Permit
- Changes in the apprentice program
- Looking into the Board's own call center.

Mr. Weeks stated that many goals still need to be accomplished. He believed that future challenges would be successfully navigated with the Board's current composition.

3. AGENDA ITEM #3, BOARD MEMBER REMARKS

Mr. Isbell acknowledged the shooting that happened in Monterey Park during the weekend. He said that a state vigil would be held today at 2.30 p.m. He stated that this time of the year is important to the Asian-American community as they celebrate the lunar new year. Mr. Weeks requested the Board members to give a moment of silence in memory of the people that passed away in the massacre.

Ms. Fairley wished everyone a Happy New Year and indicated that the Board has a lot of work to do this year. She hoped that everybody was fresh and renewed for the work ahead.

4. AGENDA ITEM #4, DEPARTMENT OF CONSUMER AFFAIRS (DCA) UPDATE, WHICH MAY INCLUDE UPDATES ON DCA'S ADMINISTRATIVE SERVICES, HUMAN RESOURCES, ENFORCEMENT, INFORMATION TECHNOLOGY, COMMUNICATIONS AND OUTREACH, AND LEGISLATIVE, REGULATORY, OR POLICY MATTERS.

Yvonne Dorantes from DCA presented the updates. She stated that this year, DCA has new staff appointed at the end of 2022 by the Governor. Melisa Gear was appointed as the new Deputy Director of DCA, while Ms. Dorantes is the new Assistant Deputy Director. Kathleen Nicholls was appointed the Chief of the Division of Investigation. DCA has also begun to fill the deputy chief position in the Health Quality Investigation Unit as well.

Ms. Dorantes reported that DCA established the first Diversity, Equity, and Inclusion Steering Committee, also known as DEI, to guide the Department's equity strategy initiatives and action plans. The Committee held its official kickoff meeting on November 9. The second meeting is scheduled for next Friday.

Additional resources will be provided for boards to use and incorporate into their strategic plans, recruitment processes, et cetera, and the Committee will concentrate on the following three areas:

1. Workforce – to keep and find diverse talent.
2. Workplace – to actively educate leaders and employees to raise awareness and foster an inclusive culture.
3. Marketplace - to be sensitive to the diverse backgrounds and perspectives of consumers, applicants, and licensees.

The strategic planning that will advance equity drive outcomes and increase opportunity for all strategic plans for July 2023 and beyond will be developed or updated in accordance with Governor Newsom's Executive Order.

Ms. Dorantes stated that DCA is revising its strategic planning process to include more inclusive public engagement, data analysis and incorporating diversity, equity, and inclusion into strategic planning. The DEI Committee will provide input to the strategic

planning process, and DCA will begin implementing the revised strategy and working with boards on updating existing strategic plans or developing new ones by March 2023.

DCA released its new strategic plan in November and officially transitioned to a new logo beginning January 3, 2023. The new logo will be implemented gradually throughout 2023. Existing items with the previous DCA logo are still valid during the transition and do not need to be replaced or updated.

DCA Board and the Bureau of Leadership have been given information and resources to help implement the new logo. The centralized website is at www.dca.ca.gov/logo. The new plan and logo represent the Department's new chapter and future, with consumer protection continuing to guide its mission and priorities. The plan also incorporates DCA's strong commitment to diversity, equity, and inclusion and its shared commitment to each other and to every consumer in California. The new logo displays the State's official colors and visually represents the DCA's vision. Together, Protecting California's Consumer. The State symbolizes all 40 million Californians that DCA has pledged to serve, and the star symbolizes consumer protection as DCA's true guiding principle. The shield on the logo represents DCA's strong and long-standing protection mandate.

Ms. Dorantes reminded board members that all State travel arrangements must be made through DCA's authorized travel agency, CalTravelStore or Concur. When traveling by air on official state business, Board members and staff must use the most economical fares possible. Typically, this is the Southwest wants to Get Away option. If the flight is changed, there may be additional charges. Flight changes for personal convenience are not permitted or justified, and the traveler is responsible for any associated charges.

Ms. Dorantes stated that now is the time to review any necessary training. Board members should submit their certificates of completion to the Executive Officer and DCA Member Relations. Board members must complete Board Member Orientation Training (BMONT) within the first year of appointment or reappointment, ethics training within six months of appointment and every two years after that. Sexual Harassment Prevention within the first year and every two years after that, and Defensive Driver training within the first year and every four years. These trainings are offered multiple times a year and in various formats for convenience. For more information, a mandatory training page has been created to help members identify, access, and track specified training. The page includes direct links to mandatory training and pertinent information and policies specific to the training courses. The page is available via the DCA Board Member Resource Center under the DCA website's Required Board Member Training tab. All Board presidents are invited to the Presidents Training which will be happening on February 22, 2023, from 10:00 a.m. to noon. It will be a virtual two-hour training that will outline the role of a board president, understand the scope of the role, manage board members, and perform administrative duties.

The State of Emergency for COVID-19 and associated Executive Orders N3920 and N7520 will end on February 28, 2023. Upon the State of emergency ends, active waivers that were issued under the authority of the State of emergency and Executive Orders will also expire.

Board members and committee members are required to file the Statement of Economic Interest, also known as Form 700, by March 15, 2023, or within 30 days of their appointment annually and within 30 days of leaving office. This year's annual filing period covers the prior calendar year, January 1, 2022, through December 31, 2022. The deadline for filing is Friday, April 1. To ensure compliance, DCA requests that Form 700 filers complete the e-filing by Friday, March 15. Emails have been sent out with instructions on how to fill out the form.

5. AGENDA ITEM #5, ANNUAL ELECTION OF OFFICERS.

Motion: Mr. Weeks moved to nominate Calimay Pham for Board President. Ms. Tonya Fairley seconded. Ms. Pham accepted the nomination.

Public Comment

No comments were received from the public.

Motion to appoint Calimay Pham as Board President carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky.

Motion: Mr. Weeks moved to nominate Tonya Fairley as the Board's Vice President. Ms. Jimenez seconded. Ms. Fairley accepted the nomination.

Public Comment

No comments were received from the public.

Motion to appoint Tonya Fairley as Vice President carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky.

Ms. Pham thanked Mr. Weeks for his exemplary leadership over the past two years. She also thanked the Board members for trusting her with the position and looked forward to learning and continuing the Board's work of ensuring consumer safety. She also welcomed Ms. Fairley onboard.

6. AGENDA ITEM #6, APPOINTMENT OF BOARD MEMBERS TO STANDING COMMITTEES FOR 2023.

i. Disciplinary Review Committee

Ms. Pham stated all Board members will serve on DRC, but only three will serve at a time. All members are appointed to this Committee to enable flexibility in case there are many hearings that need to be held every month for multiple days.

ii. Education and Outreach Committee

Existing Committee members were Ms. Fairley, Ms. Ellis, Mr. Isbell, and Ms. Jimenez. Ms. Kavanaugh volunteered to be a member of the Committee.

iii. Enforcement and Inspection Committee

Existing Committee members were Ms. Munoz, the current Chair, Ms. Fairley, Ms. Funk, and Mr. Weeks. Mr. Rostovsky joined the Committee.

iv. Legislation and Budget Committee

Existing Committee members were Mr. Isbell, the current Chair, Ms. Ellis, and Ms. Pham. Ms. Kavanaugh joined the Committee.

v. Health and Safety Advisory Committee

Existing Committee members were Ms. Pham, the current Chair, Ms. Funk, Mr. Isbell, and Ms. Munoz. Ms. Funk requested to leave the Committee so she could focus her effort on the other two committees. Ms. Underwood mentioned that apart from Board members, the Committee also consists of representatives from outside the Board. The Committee has a licensee from every category who are not Board members and other industry members.

vi. Licensing and Examination Committee

Existing Committee members were Ms. Fairley, Ms. Jimenez, and Mr. Weeks. Mr. Rostovsky and Ms. Kavanaugh joined the Committee.

Ms. Pham reminded the public that the function of the committees is to review issues in more depth and then make recommendations to the Board. However, all final decisions are discussed at the Board level.

7. AGENDA ITEM #7, REVIEW AND POSSIBLE APPROVAL OF THE 2023 BOARD MEMBER GUIDELINES AND PROCEDURES MANUAL.

Ms. Underwood stated that these are the Board member guidelines and procedures that each member gets when appointed to the Board. The manual is usually brought before the Board every January for re-adoption.

Minor changes were made to the manual, including the removal of Marcene's name and the addition of Natalie's name, some technical cleanup, and some travel information.

Mr. Rostovsky stated that since diversity, equity, and inclusion (DEI) is a big focus of DCA and will be implemented in strategic planning, a line should be added in the manual pertaining to adopting similar strategies and practices of DEI. Ms. Underwood stated that changes would be made to the document, which would be brought back for a final vote at the next Board meeting.

8. AGENDA ITEM #8, DISCUSSION AND POSSIBLE APPROVAL OF THE OCTOBER 24, 2022, BOARD MEETING MINUTES.

Motion: Mr. Weeks moved to approve the October 24, 2022, Board Meeting minutes. Ms. Funk seconded.

Public Comment

No comments were received from the public.

Motion to appoint approve October 24, 2022, Board meeting minutes carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky.

9. AGENDA ITEM #9, EXECUTIVE MANAGEMENT REPORTS.

Ms. Underwood congratulated Ms. Pham on being appointed Board President and reappointed by Speaker Rendon.

i. Administration and Operations.

Ms. Underwood reported that the Board is almost fully staffed now. There is a full management team. Savannah Hughes recently joined the team as a report's analyst. Ms. Underwood mentioned that Patricia Garcia, the Board's budget analyst, retired in December. Staff is currently looking to fill that position.

Staff recently did a career outreach with Saramento State University. The goal was to get more people to apply for jobs with the State. The event was successful, and another future session has already been planned.

Staff is working on new fleet orders. These are vehicles that the inspectors use. New cars will be coming soon.

Ms. Underwood reported that the Strategic Plan and Action Plan were complete. DCA helped staff develop an timed Action Plan for everything that should be done to complete the Strategic Plan. An update on each of the objectives will be provided at the next Board meeting.

Regarding the budget, Ms. Underwood stated that the budget is still healthy and only requires a little time working on it with the DCA budget office.

ii. Licensing, Examinations, and Disciplinary Review Appeals

There is now a second licensing manager, Jasmine Shaw. There's also a new associate government program analyst who serves as the team leader of the licensing unit. One analyst in the licensing unit left, so staff will be recruiting to fill that position. Recruitment is also ongoing for some additional positions to help with the emails.

Ms. Underwood reported that the staff are caught up with the emails. They took advantage of the holiday season when things were slower and had email Fridays where everybody was answering the emails. They now have a process in place that they are trying to maintain where responses go out within 24 hours.

Regarding town hall meetings, Ms. Underwood stated that there had been several of those since the last Board meeting. One town hall meeting was directed to schools and students to address the deficient applications that staff receives. The online application process was reviewed at the meeting. Ms. Underwood mentioned that people usually miss the attach button to attach their proof of training when sending in their applications. This leads to a deficiency letter being sent out, which causes proof of training to be sent separately, thus increasing the workload. She indicated that a separate email address had been established just for schools to send proof of training documents. She further reported that a barber town hall meeting was held to review examination content. The town hall meeting held virtually and in person, attracted about 100 attendees, mostly instructors. PSI representatives came and reviewed the content of the exam and answered questions as well. Ms. Underwood noted that the town hall helped because the barber numbers were going in the right direction. A town hall meeting for cosmetology will be done in the first week of February.

Ms. Fairley asked about the percentage of the schools that attended the barber town hall. Ms. Underwood explained that the Board does not approve schools by what they teach. Many barber schools offer cosmetology programs and cosmetology schools also offer barber programs.

Mr. Rostovsky asked if the button was so tiny that it was not easily seen. Ms. Underwood stated that the button is visible, but most people might not use it because they must upload first and then hit the attach button. They, therefore, upload the document without attaching it.

Regarding statistics, Ms. Underwood reported that the number of applications received was getting back to pre-COVID levels. She further noted that the examination pass rate statistics had been changed to show each quarter separately in its column. The statistics showed the examination results of quarter one, which is when the new exam was introduced. The numbers were lower. In quarter two, the numbers are coming up in most categories

Ms. Underwood presented statistics showing the difference between the apprentice, out-of-country, and school programs. The data indicated that the apprentice program pass rates are slowly getting better. The school programs are growing as well. She mentioned that there had been a slight decrease in electrology, which staff will look into.

Ms. Underwood reported that more licenses were issued in the second quarter. Ms. Fairley asked if the statistics on examination pass rates included people who had taken the test multiple times. She was concerned that some people took the test two or three times but still failed. She also inquired if it was possible to find out how many times people retook the exams. Ms. Underwood stated that she receives the report weekly and that the number of retakes can be incorporated into the report. Ms. Fairley believed that that data would be useful to help determine where people were struggling or how many times they would have to take the test before they passed.

Ms. Underwood reported that the full licensee population is more than 625,000. She further stated that a total of 343 appeals were pending. This is a great number compared to what DRC has handled in the past. Ms. Underwood mentioned that Vlad, the lead of the DRC program, will be leaving soon. Mr. Weeks remarked that Vlad would be sorely missed, noting that Vlad did a great job of backing up and getting the information to the people involved in the appeals and the Board members.

iii. Enforcement, Inspections, and Cite and Fine

Ms. Underwood reported that the management team of this unit is fully staffed. The new hires are Denise Murata, the new enforcement manager, who came from the Board of Accountancy, and Cassandra Hunter, a long-time employee of the enforcement unit who was promoted to manager.

There is a new inspector in the Los Angeles area. A few inspector positions remain vacant. Staff is working to fill them. Staff is also working on getting the special investigator classification. The special investigator will handle a case more thoroughly and at a higher level than the inspectors. They would interview consumers, interview the licensees, and also do the inspections. It's a long approval process because it has to go to CalHR for approval. Ms. Underwood said she checked base with DCA last week on that process. DCA was close to submitting it to CalHR. Mr. Weeks asked if existing inspectors could move upward into that position. Ms. Underwood stated that the staff would have to qualify for the position, and she was unaware of any current team who would qualify.

On the enforcement statistics, Ms. Underwood stated that an extern chart had been added to show how the extern program is growing. She mentioned that the Board is working on regulations that will give them more oversight over the program. Complaints received were down during the holiday season. Most of them are usually health and safety concerns. A chart showing the staff's workload was also presented. It indicated the number of complaints received, how many have been referred to the Division of Investigation, cases that have been closed, those that are still pending, and

the average days to complete. The chart also showed application investigations, what has been referred to the Attorney General's (AG) office, and the disciplinary process. Another chart showed the final decisions on cases that have gone through the full disciplinary process. In the last quarter, one revocation and two surrendered licenses were revoked.

Current probation statistics and cite and fine statistics were also presented. They indicated the number of citations issued in each category. Another chart indicated the number of inspections conducted. It showed the number of inspections with violations and those without violations. It also showed the total inspection data for out-of-business or closed on-call. Closed on-call is where the inspector shows up, and the business is closed. These have become more frequent with the smaller shops up in the North, since COVID.

Data on establishment inspection reports indicated the number of times inspectors wrote an inspection report. On citations issued, Ms. Underwood stated that the citations are currently running about a 42-day turnaround time. The average is about 45 days. She further reported that the request for payment notice position had been filled. A dedicated staff had been appointed to handle that. Ms. Underwood mentioned that the average fine amount must be a minimum of \$500. One can ask for a payment plan if the fine is over \$500. The success rate on payment plans is about 44%, and it takes an average of 328 days for the fines to be paid in full.

iv. Outreach

Ms. Underwood reported that the barber town hall took place. Staff is currently planning a cosmetology town hall for February. She stated that new publications had been created on what to know before choosing a school. The goal is to provide information to students on the best way to select a good school.

Ms. Underwood mentioned that there would be an outreach event in April with a local high school. The outreach pamphlets will be provided to the students at the event. Mr. Rostovsky asked if the pamphlets were available online for anyone to download. Ms. Underwood stated that any high school that wants the pamphlets could get some sent to them. She also confirmed that they are available online to be downloaded. Ms. Pham asked about the language of the printed pamphlets. Ms. Underwood stated that currently, the printed ones are in English only. Staff is working on translating them into Vietnamese, Spanish, and Simplified Chinese.

Ms. Underwood also reported that the reinstatement information online had been updated. A frequently asked questions page has been added. The Human Trafficking Notice was also updated. It became effective on January 1, 2023 and must be implemented in all establishments.

Ms. Underwood reported that three email blasts had been sent so far, which will continue on at least a monthly basis.

The future Outreach events are as follows:

- February 6, 2023 – Cosmetology town hall meeting
- April 2nd and 3rd – Premiere Anaheim. This used to be the ISSE Show in Long Beach. It is now held by Premiere, which holds big shows throughout the country. Now they'll be in California.
- May – Jazz Z Beauty and Barber show in Anaheim, targeted to students.
- Facebook Live – Board of Behavioral Sciences does Facebook Live events. Staff will meet with them to get tips on handling their events.

Mr. Rostovsky wondered if Board members are allowed to attend these events. Ms. Underwood said 'yes' and added that they are for licensees only.

i. SB 803 (Roth) Implementation Plan

The following are some of the items that have not been implemented yet:

- The Hairstylist License is very close to being implemented. The examination is in the process of being translated. There will be additional workshops to set the score for the grading. Implementation is set for July 1, 2023.
- Pre-apprentice training content is almost completed. Staff will set an online process on how it will be provided to apprentices and how it will be tracked.
- School Curriculum – Out of a total of 253 schools, 216 have sent in applications for the new courses. 210 schools have been approved.
- Extern package – It is currently being worked on.
- Fines – additional information was needed for the fines, which are going to the health and safety committee, and the risks associated with what is being fined.

ii. Strategic Plan Update

Ms. Underwood stated that there are regulations that are still a year to two out, after which the Board will be done with implementing SB 803.

Public Comment

No comments were received from the public.

Ms. Pham proposed modifying the agenda to discuss Item #17 first before Item 10.

17. AGENDA ITEM #17, REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING THE COSMETOLOGY COMPACT PROPOSED LEGISLATIVE LANGUAGE.

Ms. Underwood stated that over the last couple of years she has worked with the Council for State Governments to work on compact language for cosmetology. It was originally for barbering and cosmetology, but now it's just for cosmetology. Compact licensing would allow a person from a participant state to work in another state that is also a participant in the compact. It will be like how a driver's license works. The

compact language license was funded by the Department of Defense, which was especially supportive because of military individuals or military families who may get stationed in different states. Cosmetologists could work right away if they were in a compact state.

Ms. Underwood mentioned that many states are compact states, but California is not one of them. A cosmetology compact license would work because cosmetology is mostly the same in every state. Most states do not do any background requirements for cosmetology as well. She stated that together with several other states, an industry-representative model language was developed. She further noted that SB 803 provided reciprocity where anyone with a license in any other state can come to California, get their license, and start working immediately. The benefit of compact licensing, according to Ms. Underwood, is that it will give the Board access to enforcement information. There is a database that the Board currently needs access to look up licenses. For instance, staff right now can not look up someone licensed in Kentucky. To participate in the compact, one becomes part of the database. Therefore, if Kentucky has an open investigation on a licensee and that licensee decides to come to California, staff would know about that investigation.

Ms. Underwood recounted an incident that happened in North Carolina, where a person had come into North Carolina from Florida via California. This person applied in Florida with a California certification and then moved to North Carolina. The Executive Director thought something was off and called Ms. Underwood. They found out that the person had never been licensed in California. Ms. Underwood pointed out that fraudulent certifications are very common in the industry. Due to the large volume, it might be hard to spot a fraudulent document. Action can still be taken against them if they do something wrong. She believed the compact licensing would benefit California because of that enforcement aspect. A process for this has been created in the model language. If the Board moves ahead with the compact, it will need to find an author in the legislature to carry the bill. The Board could also decide to sponsor the bill itself and get it through the legislative process.

Ms. Fairley asked if a person who applies for reciprocity takes the written exam. Ms. Underwood said no. Ms. Fairley noted that a license from another state would be the only qualification. She also inquired if the database would be pulled up before issuing the license.

Ms. Underwood stated that the license would be an automatic yes to the license because the compact means that the State has agreed to work with the states in the compact. Someone from one of the close states will have a multi-state license.

Ms. Fairley also mentioned that California has a high requirement for health and safety. She wondered how the Board would ensure the people in the database understand those requirements and how consumers should be protected in such cases. Ms. Underwood stated that right now, the requirements are the same. She indicated that one must have had some education in their state, and they must have taken an exam.

Ms. Underwood further mentioned that since Florida does not test their manicurists, California does not allow manicurists to come in from Florida. However, Kentucky tests manicurists, so a person from Kentucky can get their license in California because it will be an equivalent. The Board will not look at the nitty-gritty of the curriculum or the number of hours taken because the law changed in SB 803 to state that if one has a license, one gets a license.

Ms. Jimenez asked if people from other states would apply to California's scope of practice and parameters. Ms. Underwood answered in the affirmative, adding that anybody who comes into California has to follow California's laws and rules. Ms. Underwood mentioned that the compact was not written to specify hours of education because it differs among states. The compact, however, stated that there has to be an education and an exam.

Ms. Fairley asked if someone from a compact state would get the information that a new licensee gets when they apply for a California license. Ms. Underwood indicated that they would not get that information. The responsibility lies with the licensee.

Ms. Munoz asked if an inspector would honor that license if they found it in an establishment. Ms. Underwood said yes, the inspector would honor that license because they would have been trained to know what a compact license looks like. If they find a license from a state that is not part of the compact, they will cite it as unlicensed activity.

Ms. Munoz also asked if the action would be taken on someone who comes from Kentucky if they are found to violate California's code or if staff will communicate with their state on that. Ms. Underwood stated that the Board would act and speak with whoever issued the license. The Board can work with other states to take action against a licensee. She indicated that that would be another benefit of the compact.

Ms. Underwood reiterated that the compact license is similar to a driver's license because licensees will have to follow the specific rules of each state.

Ms. Fairley wondered how an establishment owner would verify that a compact license is valid. Ms. Underwood invited Ms. Leslie Roste to respond. Ms. Roste serves on the Health and Safety Committee and has also been a big part of the compact.

Ms. Roste stated that the database would allow for red flagging and might reduce some nationwide licensure fraud. This is because each license gets a unique identifier. Therefore, everybody licensed in the state, regardless of whether they have a multi-state license or a single-state California license, can see that in the database. The database will also provide total transparency on current investigations.

Ms. Roste further indicated that compacts have been around for a long time. The nursing compact is the oldest, having been around for 20 years. She believed if the compacts could work for the driver's license and the nurses, they could also work for the cosmetology industry. She added that California can penalize or ban a Kentucky

license, but only Kentucky can take away that license in case of a violation. Mr. Rostovsky wondered if establishment owners take the time to look up licenses. Ms. Roste stated that some establishments take the initiative to look up even the California licenses, but others still need to. Ms. Fairley added that most legitimate establishment owners verify licenses.

Ms. Fairley also asked about the process for an establishment owner to look up the compact license. Ms. Roste stated that a commission would be formed when the first seven states enact the compact. The commission will have representation from each of those states and be responsible for making the rules around the compact. Therefore, the processes around looking up the compact will be part of the rules. She added that will be one of the benefits the Board will have if it supports the compact.

Mr. Weeks inquired about the arguments being made by other states that may want to refrain from participating in the compact. Ms. Underwood stated that there had been no arguments on the cosmetology compact. The conditions involved are around 11 or 12, and two have already introduced bills with the compact language. The language came out recently, on January 3, 2023.

Ms. Underwood further indicated that the arguments raised in California were regarding the commission that will be formed. The concern was that California is huge, and it would only get one seat on the commission. The only benefit would be to be part of the first seven states to have a stronger seat on the commission.

Mr. Weeks noted that other states could be hesitant to accept people from California. Ms. Roste agreed, adding that the hesitation could come from states with more study hours. She stated that people would have to have faith that the other states would have done their due diligence. Ms. Roste further indicated that if there is a legislative bond between states, it would be easier to deregulate the cosmetology industry.

Mr. Weeks inquired about the number of states expected to join the compact quickly. Ms. Roste stated that nine states are expected to join this year. The commission will be formed when it hits the seventh state.

Ms. Fairley voiced concern that there will still be an underlying safety issue. She mentioned that a loophole of knowledge would need to be added, adding that an establishment owner would bear the liability of bringing such a licensee into an establishment. Mr. Weeks agreed with her sentiments. However, he noted that California would have more to lose than any other state. Ms. Underwood mentioned that the liability is currently still there because a Kentucky licensee can still get a California license even if the license was issued 25 years ago.

Ms. Leslie pointed out that as it stands today, anyone can still get a license in California if they have another license. The only thing that will change is how long they have to wait to work. She indicated if the assumption is made that 90% of people are abiding by the rules and safety, then coming to California and getting right to work will benefit the

state, particularly for military families. She also noted that it would be a significant advantage if California could get on the initial commission to help form the rules on compact licenses.

Mr. Isbell asked if the decision on compact licensing had a timeframe. Ms. Underwood stated that legislation would need to be enacted first, so the decision should be made today. This would ensure it passes the legislature on time to make California among the first seven states to join.

Mr. Isbell asked if this matter had been discussed at the Legislative Committee. Ms. Underwood said no, adding that the language was only released this month. Mr. Isbell stated that there could have been a meeting in January. Ms. Underwood clarified that the Committee would only have discussed the language once it was in a bill. She further explained that the definition of a Legislation Committee is to recommend actions on bills. It is, however, the Board's purview to request a bill to be sponsored.

Mr. Isbell wondered why the Committee could not discuss it as a potential bill or a concept. Board Legal Representative, Ms. Sabina Knight stated that the Legislative Committee recommends positions for the full Board to take on bills. In this case, there has yet to be a bill. She reiterated that the language just came out on January 3, so there was no way to have a quick Committee meeting and get everything done on time. She added that only some matters must go through every Committee. The Board could take action to join the compact or direct the staff to do more research and bring it back at another Board meeting.

Ms. Underwood stated that the description of the Legislative Committee does not require staff to bring legislative ideas to the Committee. Mr. Isbell stated that the Committee had previously discussed potential ideas. He insisted that the Committee could have discussed the items and then come before the Board for a potential bill. He also believed that the definition should be changed. Ms. Pham stated that Mr. Isbell's points would be addressed at the next Committee meeting. She also indicated that the ultimate goal is to bring everything back to the Board, so it was not an issue that the Board was already at this step in the discussion.

Ms. Pham also pointed out that the decision to allow people from other states to be licensed in California had already been made by SB 803. She believed that the Board would be getting more control over the process with the compact. Transparency will also be an added advantage in the effort to protect consumers. She also stated that the Board will have a chance in the future to look into the process since it will take time before anything is implemented. Ms. Fairley agreed with Ms. Pham's sentiments and thanked Ms. Leslie for her clarity. She also appreciated Ms. Underwood's efforts to bring the language before the Board. She stated that the Board has confidence in Ms. Underwood and believed that Ms. Underwood would iron out everything in the initial process.

Ms. Funk asked if the licensees could choose between a single-state or multi-state when applying for the license. She also asked if the multi-state license would cost more. Ms. Leslie stated that it would cost more, which is how the compact would pay for itself. Ms. Leslie indicated that if somebody in the multi-state compact chooses to move from one State to another compact state, e.g., from Kentucky to California, they would apply to the Board of California to be their home state and would have a multi-state license issued there.

Mr. Weeks asked if it would be possible to require someone from another compact state to view an hour-long or two-hour long video of California's health and safety. This could be made contingent on them coming through. Ms. Underwood stated that it was possible because some states have jurisprudence exams specific to laws and regulations. She added that something like a health and safety exam could be developed that would be specific to California's laws and regulations.

Mr. Rostovsky stated that if California is part of the first seven states that form the commission, they could advocate for a rule for the entire compact that requires everyone to watch the hour-long video no matter what state they go to. Ms. Underwood mentioned that licensees are required to take an exam or a course regardless of their reciprocity rules in other states.

Ms. Leslie indicated that in the 15 years of her career, she has worked in all 50 states trying to help them revise their rules so that the rules start looking the same. She assured the Board that most of the rules, particularly health and safety, have been standardized around the country.

Ms. Underwood stated that the Board could decide today. One was to support the compact model language, and two, the Board could choose to sponsor the bill and seek to carry the legislation. Ms. Knight stated that pursuing a legislative proposal would be faster. This would give staff the authority to talk to some potential bill authors and see if there is support for the compact in the legislature.

Motion: Ms. Munoz moved to pursue a legislative proposal. Ms. Fairley seconded.

Public Comment

- Wendy Cochran, from the California Aesthetic Alliance, stated that she engages with military spouses all the time. The women usually indicate that they choose esthetic courses because they cannot get through a 1600-hour program when it takes their transfer orders to be processed. They get transferred at a moment's notice. Ms. Cochran suggested that the compact legislation should include estheticians to ease the education of those who must transfer. She mentioned that most people were practicing without licenses. She added that cosmetologists are allowed to take less education in skin care and move around the country, while aestheticians are not. She reiterated that aestheticians be involved in the legislative process as well.

- Fred Jones, from the Professional Beauty Federation of California, voiced several concerns with the compact language. He pointed out that line 531 of the language would give the commission authority to assess the Board yearly. It would also give the commission authority to impose fees on licensees of member states. Jones also noted that line 287 of the language stated that a remote state could take adverse action against a licensee's authorization to the multi-state license, provided that; (a) only the licensee's home state shall take adverse action against the multi-state license. Mr. Jones believed that this was a direct contradiction in the language. He was also concerned that the Board would give the commission a lot of authority, considering the Board gets only one seat on the commission. He added that SB 803 made it moot for people moving to California.
- Laura Embleton, the government relations director for hair, nail, and skin care professionals, stated that they favor the compact because it would create better mobility. She mentioned that all the participating states would have disciplinary processes in place. Ms. Embleton also indicated that the multi-state license would be used for temporary work in a state since one has to get the license of the state they are moving to. She reiterated that the compact would be a good move for California.

Motion to pursue a legislative proposal carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

10. AGENDA ITEM #10, REVIEW AND DISCUSSION OF AFFORDABILITY AND ACCESSIBILITY OF EDUCATION AND UPDATES TO WEBSITE TO REACH PROSPECTIVE STUDENTS.

Ms. Underwood stated that the staff researched schools in the state and provided a range of tuition costs. Regarding the 1000 hours for barbering, they put the low, medium, and high ranges for each. They also did the same for the 1500-hour programs and same for each license type.

She mentioned that community colleges charge \$46 per unit. The total amount a student pays will depend on what the student does. She referenced a law in the Bureau of Private Postsecondary Education (BPPE) that says any institution that charges more than \$2,499 is considered an institution. She further mentioned that staff is currently working with the BPPE to address apprenticeship programs that charge \$8000 tuition – as they are technically schools.

Ms. Fairley asked if addressing the issue would force a change in the tuition cost or a difference in the school's classification. Ms. Underwood stated that that would be up to the apprenticeship program. Ms. Underwood added that staff is looking into rules about the Board's authority on a schedule that the BPPE has deemed a school. The BPPE will cite such programs as unlicensed schools, forcing them to pay huge fines of about \$50,000.

Ms. Fairley asked if there was a loophole which allowed the programs to charge more than the maximum. Ms. Underwood stated it was not a loophole because the apprenticeship standards license them as an apprentice program sponsor. The Board also approves them.

Ms. Underwood added that the discussion has been long ongoing on what to do with such programs, and the BPPE has come to a point where they are starting to take action. The Division of Apprenticeship Standards might start taking action as well. Mr. Weeks mentioned that California has a seller-assisted marketing plan law requiring anyone who charges over \$500 to register. He indicated that some schools could argue that they are registered under that law which would give them the right to charge such high amounts.

Mr. Rostovsky asked if students can receive financial aid through private schools. Ms. Underwood answered in the affirmative, adding that any accredited private school can offer student aid. She mentioned that the staff is in talks with the Licensing Committee about accreditation to look into schools that are not accredited. This is because accredited schools have to maintain a certain pass rate for their accreditation. Non-accredited schools are registering very low pass rates.

Mr. Rostovsky also asked if there is data around pass-fail rates between schools that cost more and those in the lower-cost range. Ms. Underwood stated that there is data on pass-fail rates by school rather than by tuition.

Ms. Underwood reported that staff has also provided a map showing where schools are positioned in all of California.

Ms. Pham noted that the program costs had not changed from longer to shorter hours. Ms. Underwood stated that the change was moderate and only some schools reduced costs.

Ms. Munoz suggested looking into whether more expensive schools result in employment and have a better return on investment.

Public Comment

- Wendy Cochran addressed Ms. Munoz's comment and stated that the common sentiment among students is that whether one goes to a fancy school or a community college, they all teach students to take the Board exam and get on with it. She proposed bringing more community colleges into the mix and making it possible for the licensed population to attend community colleges and get a well-rounded education. Ms. Cochran also mentioned that real W-2 employment from schools is almost nonexistent. When they first become licensed, most people usually open their own establishments.

11. AGENDA ITEM #11, REPORT ON THE JANUARY 9, 2023, LICENSING AND EXAMINATION COMMITTEE MEETING.

Chair of the Licensing and Examination Committee, Mr. Weeks, kicked off his report by stating that most schools are trying to do the right thing, but the Board is charged with addressing the problem of low pass rates. He mentioned that they have been dealing with low Spanish pass rates for years and have had difficulty solving the problem. For a long time, the low pass rates have been blamed on the composition of the test and language difficulties of apprentice education, and the reasons seem to change regularly. Mr. Weeks believed that this is not a problem that the Board can fix by itself without help from other people like the BPPE.

He referenced the report presented by staff and noted that the overall 2022 pass rates indicated that 40% of people had less than 50% pass rates. He stated that the Board should get more involved and work with the BPPE to do something about the schools with the low pass rates as soon as possible.

Ms. Underwood stated that she had another conversation with the Chief of BPPE and they agreed to set up a joint meeting with staff to look into the poor-performing schools and come up with a plan to address the issue. She mentioned one major issue of the Board is that it has clear authority to go into schools to check for health and safety, but it needs to have the power to check on the quality of education as BPPE does. She also stated that in Senate confirmation questions and in Sunset Reviews, new board members are asked about what the Board is doing regarding pass rates. She hoped they would look into the issue and have more updates for the Committee on handling it.

Ms. Fairley pointed out that the Board is being held accountable for something it has no authority to enforce. She was concerned that schools continue to take money from students, and when the students fail, it falls back on the Board. She believed that the only way to change that narrative is to hold the schools accountable for what they are not producing.

Mr. Isbell mentioned that the Board had in the past discussed the language level of the written exams and whether or not that should be lowered. He noted that this would require a state statute to go through and asked if it had been discussed at the Licensing Committee level. Ms. Fairley and Ms. Underwood confirmed that it had been discussed. Ms. Fairley mentioned that the Committee had discussed lowering the education level, however, the Committee members had agreed that reducing it would lead to even lower pass-fail rates.

Mr. Weeks asked if the current regulations allow BPPE to initiate disciplinary procedures against a school for low pass rates. Ms. Underwood said no, they could not because no passage rate is set in any statute. The accrediting companies have a fixed pass rate. Any school that drops below its pass rate for a certain amount of time would lose its accrediting, leading to them losing its federal funding.

Ms. Fairley asked how the Board could identify the accredited schools. Ms. Underwood stated that there is no way to know because the Board does not look out for accreditation when approving schools. The Board only approves the schools once and does not have to renew. They only continue with BPPE.

Mr. Weeks asked if the regulations could be changed to give BPPE authority to discipline poor-performing schools. Ms. Underwood stated that a statutory law would be required for that. Mr. Weeks indicated that the Board could show BPPE a list of those schools and let BPPE take action. Ms. Underwood stated that that is what staff will look into together with the BPPE. She, however, reiterated that there is no set pass rate in the statute. Mr. Weeks asked if the pass rates could be stated in the statute. Ms. Underwood indicated that that would be challenging.

Ms. Pham asked if percentage pass rates of schools could be published or if it was possible to require schools to disclose to students, before they enroll, the number of people that pass the exam. Ms. Underwood stated that that information is published by the school's name online. The issue is getting a student to go onto the Board's website and look up that information. She indicated that the pamphlets were created for this reason, to get the word out and urge potential students to look at schools.

She added that the Board has some authority to increase its oversight. The only challenge is that there is no fee and no renewal. Therefore, staff must be taken from other units to carry out the school work. There are currently two staff dedicated, taken from the enforcement unit to handle the school workload unfunded. Ms. Fairley asked how that can be changed. Ms. Underwood stated that statutory authority would be required. She was positive that the legislature would give the Board that authority because they see the workload that staff has.

Ms. Munoz indicated that the most important consumer protection starting point is to tighten the belts on schools and work on upgrading the students' experiences. Mr. Weeks proposed going to the successful schools, asking them what they are doing right, and making them part of the solution-finding process.

Public Comment

- Wendy Cochran stated that the Board is doing everything correctly. She indicated that talent and personal study habits cannot be regulated and that not everyone graduates high school. It was up to the schools themselves and the BPPE to step up. Ms. Cochran also mentioned that each school has a performance fact sheet on its website that anyone in public can access. It was up to the consumers to do their due diligence and find that information.
- Fred Jones stated that the only way to solve this issue is to have one agency with overall authority over the schools. He believed that that agency should be the Board and not BPPE. According to Mr. Jones, BPPE handles many different departments. They need more time to give special attention to the barbering and cosmetology industry.

12. AGENDA ITEM #12, REPORT ON THE JANUARY 9, 2023, EDUCATION AND OUTREACH COMMITTEE MEETING.

The Education and Outreach Committee Chair, Ms. Tonya Fairley, stated that the Committee met and made some good progress. The Committee was provided with the plans to update the website and two new pamphlets. They also discussed creating a new regulation requiring licensees to provide email addresses and phone numbers.

13. AGENDA ITEM #13, REVIEW AND POSSIBLE ACTION REGARDING EDUCATION AND OUTREACH COMMITTEE'S RECOMMENDATION TO REQUIRE LICENSEES TO DISCLOSE EMAIL ADDRESSES AND PHONE NUMBERS.

Ms. Underwood stated that the Committee recommended that the full Board make a motion to direct staff to prepare regulatory language requiring licensees to disclose their email addresses and phone numbers if they have one. Some Boards within DCA already have that requirement.

Mr. Weeks asked if it would be voluntary. Ms. Underwood stated that the regulations would be modified for the application process. However, those who do not have that information will not be forced to give it out though staff will encourage them to give out their contacts to enhance communication.

Ms. Fairley stated that the goal is to increase communication and ensure licensees stay abreast with coming changes.

Mr. Rostovsky mentioned that most millennials and Gen Z rarely check their emails. Therefore, text messaging would be beneficial for getting information out.

Ms. Pham was in support of people disclosing their contact information. She stated that the data is required for all other kinds of licenses and would allow for quick communication.

Motion: Ms. Pham moved to pursue regulations to require licensees to disclose email addresses and phone numbers. Ms. Funk seconded.

Public Comment

- Wendy Cochran stated that she had polled the 8000 members of her group, and everybody said no to the text messaging. They prefer to get emails because you can't see an entire change in a text message. She was also concerned about the staff responding to the messages in case the licensees asked questions. Ms. Cochran indicated that the best outreach methods would be email, Facebook lives, and town hall meetings.

Motion to pursue regulation to require licensees to disclose email addresses and phone numbers carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

14. AGENDA ITEM #14, REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING TEXT MESSAGING LICENSEES.

Ms. Underwood stated the Education and Outreach Committee recommended that the full Board make a motion to pursue a program of mass text messaging.

Ms. Underwood stated that the Committee looked at the pros and cons of mass text messaging. They determined that a cost would be involved but could not determine an exact cost since they needed to know the number of text messages involved. Staff also did an Instagram poll and got a fairly good response on the text messaging option.

Ms. Pham inquired about the content that the Committee discussed for the text messages. She pointed out that people will have to opt in so that they only get notes that are useful to them. She also proposed having messages with a link that would direct people to click for more information. The text message could also inform people to check their inboxes for new emails. She believed that these two ways would be the best to ensure that the texts are effective, and that people are not overloaded with information.

Mr. Weeks agreed with Mr. Rostovsky's sentiments that a lot of communication is done by texting. He added that the Education and Outreach Committee had been in favor of the opt-in option.

Ms. Fairley stated that keeping the texts scope specific would encourage more people to opt-in.

Ms. Pham asked if there was the possibility of asking people what kind of messages they would like to get when they opt in. Ms. Underwood stated that if the Board decides to move forward with the text messages, staff will go back to the Education Committee to discuss the content of the messages. She also agreed with Ms. Fairley's idea of scope.

Ms. Munoz proposed having text messages where potential licensees might anticipate communication from the Board. It could be a quick text informing the licensee that their application has been received and is in progress.

Motion: Mr. Rostovsky moved to proceed with sending text messages specific by scope. Ms. Munoz seconded.

Public Comment

- Wendy Cochran stated that skin and nails should also be included concerning cosmetology and scope-specific messages. She indicated that many estheticians

are cosmetologists. They should therefore have the option to select the information they want to receive when opting in.

- Jaime Schrabec, Precision Nails, noted that the motion was very specific to licensees. She stated that if the text messaging works the same way as the interested parties email list, the motion will lock out consumers and future licensees.

Motion to pursue proceed with sending text messaging carried; 10 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

15. AGENDA ITEM #15, REPORT ON THE JANUARY 9, 2023, ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING.

The Enforcement and Inspections Committee Chair, Ms. Munoz, stated that the Committee met and discussed a remedial education program for someone to take instead of paying a fine for their citation. The Committee is recommending to the Board to make a statutory change to allow the creation of the program. The recommendation from the Committee is to amend Section 7407.1 which states that the Board shall establish, by regulation, a remedial education program in lieu of a first offense of a health and safety violation, which may include a fee to cover the cost of administering the program. The statutory authority would allow staff to work with the industry and committee members on developing the remedial education program.

16. AGENDA ITEM #16, REVIEW AND POSSIBLE ACTION REGARDING ENFORCEMENT AND INSPECTIONS COMMITTEE'S RECOMMENDATION TO AMEND BUSINESS AND PROFESSIONS CODE SECTION 7407.1 TO ALLOW REMEDIAL EDUCATION TO REDUCE OR REMOVE ADMINISTRATIVE FINES.

Motion: Mr. Weeks moved to direct staff to pursue legislative change to Business and Professions Code section 7407.1 to allow remedial education to reduce or remove administrative fines in lieu of a first offense of a health and safety violation. Ms. Ellis seconded.

Public Comment

- Wendy Cochran wondered what citation level would be considered with the remedial education. She indicated taking an hour-long course because one of her labels fell off of her canister would not be prudent.
 - Legal Counsel Knight stated in response that this would give the Board the authority to move forward with the program. When the program is developed, it will go through the Committee. It will be the first time the item is brought before the Board. The language will then be created and go through the Committee again before returning to the Board.

- Jaime Schrabec suggested that the phrase 'in lieu of a first offense' should be eliminated or changed to something like 'mitigate the cost.' She stated that the Board should open itself to more than a first offense at this point.

Motion to direct staff to pursue a legislative change to Business and Professions Code section 7407.1 to allow remedial education to reduce or remove administrative fines in lieu of a first offense of a health and safety violation carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

18. AGENDA ITEM #18, DISCUSSION AND POSSIBLE ACTION REGARDING RULEMAKING PROPOSALS:

- a) Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, and 962, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)**

Ms. Underwood stated that regarding the SB 803 Clean Up package, the Board had already approved these items, but the following changes should be made;

- i. Add simplified Chinese to the languages offered for the examination in regulation.
- ii. Add clarification regarding adequate ventilation on the application for mobile unit license form. Staff recommended adding the language, "(which includes at least one window capable of opening and a powered ventilation fan)."

Motion: Ms. Munoz moved to rescind the Board's prior October 24, 2022 motion and approve the proposed regulatory text for Title 16, CCR sections 904, 909, 931, 932, 937, 962, 928, 934, 950.1, 950.2, 950.3, and 950.4 as provided in the meeting materials at Attachment 2, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 904, 909, 931, 932, 937, and 962, and repeal sections 928, 934, 950.1, 950.2, 950.3, 950.4 as noticed. Ms. Fairley seconded.

Public Comment

No comments were received from the public.

Motion to rescind the Board’s prior October 24, 2022 motion and approve the proposed regulatory text for Title 16, CCR sections 904, 909, 931, 932, 937, 962, 928, 934, 950.1, 950.2, 950.3, and 950.4 as provided in the meeting materials at Attachment 2, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 904, 909, 931, 932, 937, and 962, and repeal sections 928, 934, 950.1, 950.2, 950.3, 950.4 as noticed carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

c) 1) Discussion and Possible Action to Consider Comments Received During the 45-Day Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16, CCR section 950.10 (Transfer of Credit)

Ms. Underwood stated that this regulation package required a 45-day comment period, during which the Board received two public comments. The comments and the staff responses were provided with the Board packet. Ms. Underwood indicated that the first comment had been addressed in the existing regulation package. For the second comment, the staff did not see any need for further changes to the text. For this item, the Board has to consider two different options:

- If the members agree with the staff recommended responses, they could direct staff to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated in the meeting materials; or
- If the members have any edits to the comments, they could direct staff to accept them and make edits to the text.

Motion: Mr. Weeks moved to direct staff to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated in the meeting materials. Mr. Rostovsky seconded.

Public Comment

No comments were received from the public.

Motion to direct staff to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated in the meeting materials carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

c) 2) Discussion and Consideration of Proposed Regulation to Amend Title 16, CCR section 950.10 (Transfer of Credit).

Ms. Underwood stated that since the Board rejected the previously discussed comments and made no further changes to the proposed text, staff recommends the Board make a motion to complete the rulemaking process and adopt the proposed text. The Board did not make any changes to the text.

Motion: Ms. Ellis moved Direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as noticed for 16 CCR section 950.10. Mr. Weeks seconded.

Public Comment

No comments were received from the public.

Motion to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as noticed for 16 CCR section 950.10 carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

b) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship).

d) Discussion Regarding New Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs).

e) Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines).

Ms. Underwood reported that the staff is continuing work on the apprenticeship regulations. They're close to submitting them to the regulation's legal counsel for review. Staff is also working on schools and externs and the disciplinary guidelines.

19. AGENDA ITEM #19, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA.

- Wendy Cochran mentioned that some licensees had been served papers for lawsuits against their websites for not being ADA compliant. Some licensees use Google My Business, and some use a booking platform. Some individuals in the community are going after such license types and filing lawsuits in Los Angeles County and other counties. Ms. Cochran believed that a few frivolous licensees were responsible for the lawsuits. She acknowledged that the Board does not have the authority to handle such issues, but she wanted them to be aware that it is happening. Several people have had to hire attorneys to chase down fines of up to \$25,000 in LA courts.
- Phyllis Lyons, a new community member, requested details on the apprenticeship program. She wanted to know how to apply to work with the Board on the program. Ms. Lyons stated that she has been in business for 30 years.

20. AGENDA ITEM #20, SUGGESTIONS FOR FUTURE AGENDA ITEMS.

No suggestions were made. No comments were received from the public.

21. AGENDA ITEM #21, ADJOURNMENT.

There being no further business to discuss, the meeting adjourned at approximately 1:10 p.m.



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MEMORANDUM

DATE	April 17, 2023
TO	Board of Barbering and Cosmetology
FROM	Alex Torkelson, Licensing and Operations Chief
SUBJECT	Agenda Item 6a Administration/Operations Report

Staffing Update

On February 10, 2023, Samuel Swafford, the Board’s Regulations and Contract Analyst resigned from state service.

Heather Olivares has been loaned to the Board from the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board through September 30, 2023, as a part-time Regulations Analyst.

Mallory Switzgable is starting with the Board on April 17, 2023, as our Budgets Analyst.

Jennifer Heutter will begin with the Board on April 20, 2023, as our full-time Regulations and Contracts Analyst, filling Samuel’s vacant position.

Career Outreach

On March 8 and 15, 2023, Carrie Harris and Alex Torkelson, joined a virtual presentation with the Sacramento Valley Small Business Development Center (SBDC) where they answered questions regarding how to open an establishment, who can work in an establishment, what services can be provided, and more. About 16 people were in attendance at both events. Carrie and Alex attended an in-person “Networking Roundtable” event also held by the Sacramento Valley SBDC on April 5, 2023, where they answered similar questions to the virtual events. About 17 people were in attendance.

The Board completed another successful "Meet the Employer" collaboration that took place with California State University Sacramento (CSUS) via Zoom on March 9, 2023. Our HR Liaison, Shelby Edmiston, provided the attendees with an in-depth overview of the Board, DCA, and the current vacancies that are available to all students and graduates. In addition, Shelby answered the questions regarding the recruitment process. The Board is anticipating more events being held in partnership with CSUS this year. The Board is also in collaboration with American River College to schedule a “Meet the Employer” workshop that will take place in April 2023.

On March 22, 2023, Natalie Mitchell and Alex traveled to two high schools in Stockton, Franklin High School, and Stockton High School, where they presented to students interested in becoming

licensed in the industry as well as interested in obtaining state careers. The presentations were successful, and students had many questions regarding state careers and becoming licensed in the industry.

On March 30, 2023, Natalie and Alex traveled to Highlands High School to attend a career fair with multiple other state departments and businesses in attendance. Many students came up to the Board's booth and took flyers and pamphlets about state careers and information on how to pick a barbering or cosmetology school and become licensed.

On April 10, 2023, the Board hosted a Most Common Violations Townhall Meeting at 2 pm. It provided insight on what to expect during an inspection and discuss how to stay in compliance with the Board's laws and regulations.

Customer Service Training

On April 6, 2023, SOLID held a training customized for the Board called "Transform Frustration into Positive Encounters with Diversity, Equity & Inclusion (DEI)." The training went great and was very well received by Board staff! The Board is working towards implementing additional training with SOLID and CPS HR Consulting.

Relocation of the Board

The Board will be relocating from the site at 2420 Del Paso Road to DCA Headquarters at 1625 North Market Blvd to downsize due to staff telecommuting more now, and to get all Board staff in one suite instead of two like we currently have. The Board's goal is to move in January 2024.

Budget Projection Reports and Fund Condition

Below is the Budget Report Fiscal Year (FY) 2022-23 Expenditure Projection based on Fiscal Month 8 (FM) (February 2023). Based on these projections, the Board is scheduled to revert \$1,395,330 back into the Board's Fund.

Board of Barbering and Cosmetology FM 8 Fiscal Year 2022/23 Projected Expenditures 2/28/2022

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
5100 Permanent	5,790,000	4,631,924	1,158,076
5100 Temporary	587,000	675,000	(88,000)
5105-5108 Per Diem, Overtime & Lump Sum	0	73,365	(73,365)
5150 Staff Benefits	3,470,000	3,173,479	296,521
5170 Salary Savings	0	0	0
Total of Personnel Services	9,847,000	8,553,768	1,293,232
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
5301 General Expense	166,000	161,460	4,540
5302 Printing	250,000	503,032	(253,032)
5304 Communication	21,000	71,008	(50,008)
5306 Postage	232,000	53,666	178,334
5308 Insurance	4,000	14,673	(10,673)
53202-204 Travel In State	73,000	53,529	19,471
53206-208 Travel, Out-of-State	0	2,500	(2,500)
5322 Training	11,000	5,200	5,800
5324 Facilities Operations	1,022,000	1,116,752	(94,752)
53402-53404 Attorney General, OAH, C&P Services Interdept	1,672,000	544,632	1,127,368
53404-53405 Consultant & Professional Svs. - External	1,646,000	2,203,200	(557,200)
5342 DCA Pro Rata	6,080,000	6,080,000	0
5342 Interagency Services	1,000	108,626	(107,626)
5344 Consolidated Data Center	68,000	32,000	36,000
5346 Information Technology	35,000	75,308	(40,308)
5362-5368 Equipment	223,000	299,816	(76,816)
5390 Other Items of Expense & Vehicles	43,000	86,000	(43,000)
54 Special Items and Expenses	0	33,500	(33,500)
Total Operating Expenses & Equipment	11,547,000	11,444,902	102,098
Total Expenses	21,394,000	19,998,670	1,395,330
Schedule Reim. Other			
Net Appropriation	21,394,000	19,998,670	1,395,330
		SURPLUS/(DEFICIT)	6.52%

The below analysis of the Board’s Fund Condition projects to have 10.0 months in reserve for FY 2022-23. This means the Board would be able to continue to operate for 10.0 months without collecting any additional revenue. Due to expenditures naturally increasing, the Board’s fund will start to decrease, beginning in FY 2023/24, down to 8.9 months of revenue in reserves.

0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition
 (Dollars in Thousands)
 2023-24 Governor’s Budget w_ FM 8 Projections

Prepared Date 4.6.2023

	ACTUAL 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25
BEGINNING BALANCE	\$ 23,812	\$ 26,587	\$ 18,341	\$ 16,819
Prior Year Adjustment	\$ 2,727	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 26,539	\$ 26,587	\$ 18,341	\$ 16,819
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4121200 - Delinquent fees	\$ 223	\$ 118	\$ 1,079	\$ 1,079
4127400 - Renewal fees	\$ 439	\$ 547	\$ 9,584	\$ 9,584
4129200 - Other regulatory fees	\$ 2,003	\$ 2,151	\$ 5,207	\$ 5,207
4129400 - Other regulatory licenses and permits	\$ 4,120	\$ 4,459	\$ 4,340	\$ 4,340
4143500 - Miscellaneous Services to the Public	\$ 15	\$ 9	\$ 0	\$ 0
4163000 - Income from surplus money investments	\$ 138	\$ 251	\$ 219	\$ 217
4170400 - Capital Asset Sales Proceeds	\$ 0	\$ 14	\$ 0	\$ 0
4171400 - Escheat of unclaimed checks and warrants	\$ 13	\$ 13	\$ 12	\$ 12
4172500 - Miscellaneous revenues	\$ 4	\$ 3	\$ 8	\$ 8
Totals, Revenues	\$ 6,955	\$ 7,565	\$ 20,449	\$ 20,447
Loan from the General Fund (0001) to the Barbering and Cosmetology Contingent Fund (0069) per Item 1111-011-0069, Budget Act of 2020	\$ 0	\$ 0	\$ 0	\$ 25,000
Operating Transfers To General Fund 0001 per EO E 21/22-276 Revised (AB 84)	\$ -723	\$ 0	\$ 0	\$ 0
Totals, Transfers and Other Adjustments	\$ -723	\$ 0	\$ 0	\$ 25,000
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 6,232	\$ 7,565	\$ 20,449	\$ 45,447
TOTAL RESOURCES	\$ 32,771	\$ 34,152	\$ 38,790	\$ 62,266
Expenditures:				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 17,479	\$ 19,942	\$ 21,295	\$ 21,934
9892 Supplemental Pension Payments (State Operations)	\$ 316	\$ 316	\$ 316	\$ 316
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 1,189	\$ 1,197	\$ 360	\$ 360
Less funding provided by the General Fund (State Operations)	\$ -12,800	\$ -5,644	\$ 0	\$ 0
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 6,184	\$ 15,811	\$ 21,971	\$ 22,610
FUND BALANCE				
Reserve for economic uncertainties	\$ 26,587	\$ 18,341	\$ 16,819	\$ 39,656
Months in Reserve	20.2	10.0	8.9	21.0

NOTES:
 Assumes workload and revenue projections are realized in BY +1 and ongoing.
 Expenditure growth projected at 3% beginning BY +1.



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MEMORANDUM

DATE	April 17, 2023
TO	Board of Barbering and Cosmetology
FROM	Alex Torkelson, Licensing and Operations Chief
SUBJECT	Agenda Item 6b Licensing, Exams, and Disciplinary Review Committee Report

Licensing

Staffing Update

On February 15, 2023, Kaylene Jacobson started with us as a Limited-Term Program Technician II.

On April 7, 2023, Jonathan Schick started with us as a Limited-Term Program Technician II.

We have three staff either promoting out of the Board or separating from the Board and they will all be missed! Dominique Brown’s, Limited-Term Program Technician II, last day with the Board was April 12, 2023. Jennifer Jimenez’s, Program Technician II, last day with the Board was April 13, 2023. Yoon Teurn’s, Program Technician II, last day with the Board will be April 21, 2023.

Vacancies

The Licensing Unit is recruiting for two permanent Program Technician II, and two limited-term Program Technician II positions.

The Licensing Unit is also recruiting for a Staff Services Analyst position.

Elexis Bambao one of our Seasonal Clerks separated from state service on March 22, 2023, and we miss her and all of her hard work! We will be filling her position and are recruiting for four other Seasonal Clerk positions because we are moving to the Department of Consumer Affairs headquarters, and the file room is half the size at the new location. The Seasonal Clerks will be instrumental in helping us to get thousands of paper documents scanned so we can destroy the hard copies and help with general office cleanup before the move.

Emails

We have seen an increase in emails and applications. We currently have about 700 pending emails in our inbox each day and we’re trying to keep our response times within a week. We have staff focusing on ensuring applications are being processed and due to this, the emails are now backing up.

Town Hall

On February 6, 2023, the Board and PSI, the Board's exam vendor, conducted a Cosmetologist Town Hall. The purpose of the town hall was to review the content of the exam and the application process. Board staff and PSI took questions, and comments from the public regarding the examination and application process.

Reciprocity Candidates

At the last Board Meeting a question was raised regarding what information reciprocity candidates receive once they are approved to be licensed. The reciprocity candidates receive a letter from the Board instructing them to call PSI to pick up their license as well as information about how PSI will mail to them a reciprocity booklet that notes the various PSI locations they can go to have their photo taken and pick up their license. It also provides them links to find the Board's Frequently Asked Questions, the Rule and Regulations, and the Self-Inspection Checklist.

Congratulations! You have met the minimum requirements as stipulated in the California Code of Regulations to qualify for a license with the California State Board of Barbering and Cosmetology.

You will receive a reciprocity booklet from PSI in the mail noting the various PSI locations throughout California where you can go to take your photo and receive your license.

Please call PSI at 1-877-392-6422 to confirm the business hours of the location nearest to you. You can only receive a California license by going to a PSI location in California. You do not need to make an appointment to obtain the license from PSI. Your file number is {FILE}.

To view the PSI Reciprocity Handbook, visit the Board's website at: www.barbercosmo.ca.gov/applicants/index.shtml then select PSI Reciprocity Handbook.

You are responsible for knowing and following the Board's laws and regulations.

Helpful information to stay in compliance with the Board can be found at the links below:

Frequently Asked Questions

www.barbercosmo.ca.gov/forms_pubs/publications/faqs.shtml

California Board of Barbering and Cosmetology Rules and Regulations

www.barbercosmo.ca.gov/laws_reqs/index.shtml

Self-Inspection Checklist

https://www.barbercosmo.ca.gov/forms_pubs/selfinsp_wrksht.pdf

Sincerely,

Licensing Unit

Performance Measures

Applications Received

The number of applications received increased from 12,827 to 15,814, a 23% increase from the prior quarter.

Quarterly Applications Received Fiscal Year 22/23

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Personal Service Permit	35	56	25		116
Establishment	1,751	1,543	1,172		4,466
Mobile Unit	9	10	1		20
Barber					-
Initial Application	911	876	1,016		2,803
Re-Exam	704	736	1,086		2,526
<i>Sub-Total</i>	<u>1,615</u>	<u>1,612</u>	<u>2,102</u>		5,329
Reciprocity	54	43	47		144
Apprentice	393	319	377		1,089
Cosmetology					-
Initial Application	1,969	2,159	2,020		6,148
Re-Exam	1,252	1,389	1,930		4,571
<i>Sub-Total</i>	<u>3,221</u>	<u>3,548</u>	<u>3,950</u>		10,719
Reciprocity	337	321	500		1,158
Apprentice	287	264	223		774
Electrology					-
Initial Application	24	26	14		64
Re-Exam	5	9	18		32
<i>Sub-Total</i>	<u>29</u>	<u>35</u>	<u>32</u>		96
Reciprocity	--	1	5		6
Apprentice	--	--	--		-
Esthetician					-
Initial Application	2,222	1,909	2,251		6,382
Re-Exam	1,054	968	1,208		3,230
<i>Sub-Total</i>	<u>3,276</u>	<u>2,877</u>	<u>3,459</u>		9,612
Reciprocity	177	164	226		567
Manicurist					-
Initial Application	1,249	1,184	1,086		3,519
Re-Exam	644	755	1,619		3,018
<i>Sub-Total</i>	<u>1,893</u>	<u>1,939</u>	<u>2,705</u>		6,537
Reciprocity	161	161	1,016		1,338
Total	13,238	12,827	15,814		41,879

Examinations

Since the implementation of the new exam, Board staff and PSI, the Board’s examination vendor, have been monitoring the examination passing scores. Most exam pass rates remain about the same as they did in Q2, however, electrology passing scores had another significant decrease this quarter of 34%.

Barber	Passed	Failed	Total	Q3 Pass Rate Jan - March 2023	Q2 Pass Rate Oct - Dec 2022	Q1 Pass Rate July - Sept 2022
English	610	1,174	1,784	34%	36%	26%
Korean	0	2	2	0%	NA	NA
Spanish	52	203	255	20%	8%	9%
Vietnamese	2	19	21	10%	20%	20%
Total	664	1,398	2,062	32%	32%	24%

Cosmo	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Chinese	13	50	63	21%	NA	NA
English	1,456	1,395	2,851	51%	54%	50%
Korean	11	32	43	26%	19%	7%
Spanish	87	631	718	12%	13%	12%
Vietnamese	70	143	213	33%	17%	18%
Total	1,637	2,251	3,888	42%	43%	40%

Esthetician	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Chinese	4	14	18	22%	NA	NA
English	1,906	882	2,788	68%	70%	67%
Korean	10	11	21	48%	67%	50%
Spanish	29	26	55	53%	38%	56%
Vietnamese	68	143	211	32%	31%	24%
Total	2,017	1,076	3,093	65%	67%	64%

Manicurist	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Chinese	10	11	21	48%	NA	NA
English	674	280	954	71%	69%	69%
Korean	7	8	15	47%	11%	20%
Spanish	30	49	79	38%	39%	25%
Vietnamese	448	600	1,048	43%	40%	28%
Total	1,169	948	2,117	55%	53%	52%

Electrologist	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
English	14	19	33	42%	64%	78%
Korean	0	0	0	NA	NA	NA
Spanish	0	0	0	NA	NA	NA
Vietnamese	0	0	0	NA	NA	NA
Total	14	19	33	42%	64%	78%

Written Exam Results by Educational Background

Exam passing scores for candidates coming from California school programs continue to be much higher than scores of candidates coming from apprentice programs and out-of-country school backgrounds.

**Written Exam Results
January 1, 2023 - March 31, 2023
Comparison of Schools, Apprentice Programs,
and Out of Country**

Written Exam Results - Apprentice Program

License Type	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Barber	105	384	489	23%	21%	13%
Cosmetologist	85	492	577	18%	15%	15%
Esthetician	0	0	0	NA	NA	NA
Total	190	876	1,066	20%	18%	14%

Written Exam Results - Out of Country

License Type	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Barber	2	34	36	21%	6%	6%
Cosmetologist	66	163	229	25%	29%	9%
Electrologist	0	2	2	100%	0%	NA
Esthetician	45	42	87	51%	52%	23%
Manicure	12	39	51	43%	24%	42%
Total	125	280	405	32%	31%	16%

Written Exam Results - School Program

License Type	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Barber	401	661	1,062	36%	38%	28%
Cosmetologist	1,187	1,139	2,326	49%	51%	47%
Electrologist	18	8	26	41%	69%	88%
Esthetician	1,852	906	2,758	66%	67%	65%
Manicurist	921	788	1,709	56%	54%	52%
Total	4,379	3,502	7,881	53%	56%	52%

Written Exam Results by Language

Candidates that attended a California school continue to have a much better average pass rate overall no matter what language as compared to students from out of the country or from apprentice programs.

**Written Exam Results by Language January 1, 2023 - March 31, 2023
Comparison of Schools, Apprentice Programs, and Out of Country**

Apprentice Programs

Barber	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
English	103	282	385	23%	27%	15%
Spanish	2	102	104	20%	2%	7%
Total	105	384	489	23%	21%	13%

Cosmetologist	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
English	39	96	135	35%	29%	26%
Korean	0	0	0	NA	NA	NA
Spanish	46	383	429	12%	11%	9%
Vietnamese	0	13	13	0%	0%	0%
Total	85	492	577	18%	15%	15%

Out of Country Schools

Barber	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
English	7	23	30	23%	5%	11%
Korean	0	1	1	NA	NA	NA
Spanish	6	24	30	20%	7%	0%
Total	13	48	61	21%	6%	6%

Cosmetologist	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Chinese	6	20	26	23%	NA	NA
English	61	114	175	35%	41%	12%
Korean	3	5	8	38%	50%	0%
Spanish	3	80	83	4%	5%	2%
Vietnamese	3	12	15	20%	0%	25%
Total	76	231	307	25%	29%	9%

Electrology	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
English	1	0	1	100%	0%	NA
Total	1	0	1	100%	0%	NA

Esthetician	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
English	54	45	99	55%	54%	22%
Korean	1	3	4	25%	100%	NA
Spanish	2	5	7	29%	0%	33%
Vietnamese	0	1	1	NA	0%	0%
Total	57	54	111	68%	52%	23%

Manicurist	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Chinese	1	0	1	100%		
English	17	21	38	45%	25%	55%
Spanish	1	0	1	100%	0%	0%
Vietnamese	7	13	20	35%	20%	0%
Total	26	34	60	40%	24%	42%

School Programs

Barber	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
English	506	833	1,339	38%	40%	30%
Korean	0	1	1	NA	NA	NA
Spanish	24	92	116	21%	15%	13%
Vietnamese	2	19	21	10%	20%	20%
Total	532	945	1,477	36%	38%	28%

Cosmo	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Chinese	7	4	11	64%	NA	NA
English	1,345	1,203	2,548	53%	56%	54%
Korean	8	27	35	23%	13%	8%
Spanish	31	178	209	15%	22%	17%
Vietnamese	67	125	192	35%	20%	20%
Total	1,458	1,537	2,995	49%	51%	47%

Electrologist	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
English	14	19	33	42%	69%	88%
Total	14	19	33	42%	69%	88%

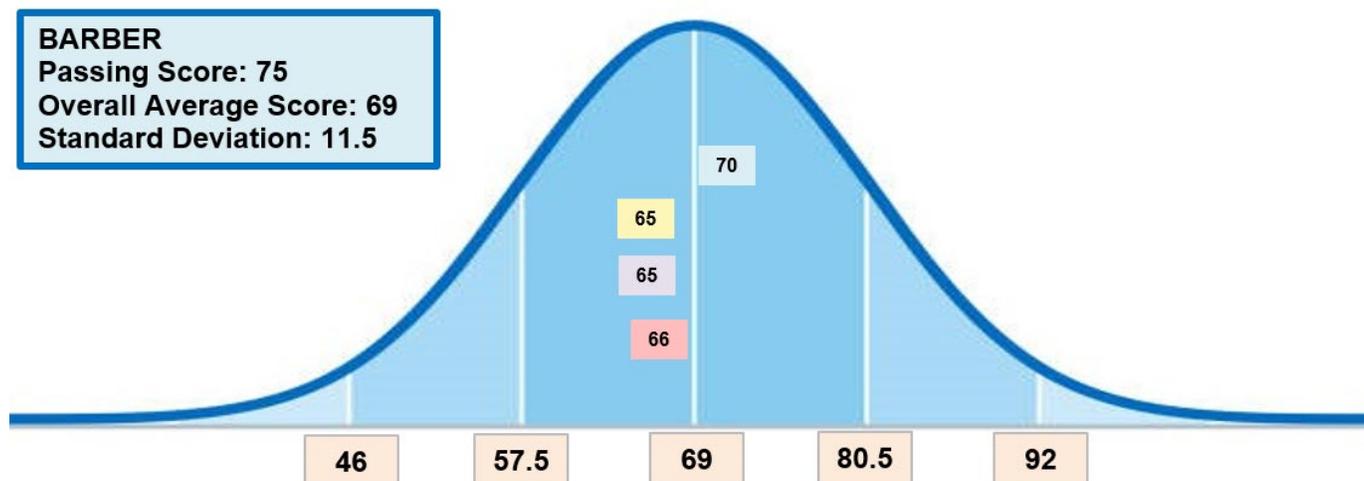
Esthetician	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Chinese	4	6	10	40%	NA	NA
English	1,855	845	2,700	69%	71%	68%
Korean	9	8	17	53%	63%	50%
Spanish	27	21	48	56%	42%	60%
Vietnamese	68	142	210	32%	31%	24%
Total	1,963	1,022	2,985	66%	67%	65%

Manicurist	Passed	Failed	Total	Q3 Pass Rate	Q2 Pass Rate	Q1 Pass Rate
Chinese	9	6	15	60%	NA	NA
English	658	265	923	71%	72%	70%
Korean	7	8	15	47%	11%	20%
Spanish	29	49	78	37%	39%	25%
Vietnamese	442	587	1,029	43%	40%	29%
Total	1,145	915	2,060	56%	54%	52%

Q3 Exam Scores Bell Curve Data

In the last Board Meeting it was requested that bell curve data for examination scores be presented to show the norm in the fluctuation of scores. The bell curves show a middle section (to the left and right of the center line) which is where the majority of the scores fall, the far right section shows where the highest scores fall, and the far left section shows where the lowest scores fall. Any scores outside of the middle section are not within the norm and are outliers. The standard deviation is the average amount of variability in a dataset, and it shows you how far scores are from the average of all scores.

For barbering, the overall average for all languages was 69. English had the highest average at 70, then Vietnamese at 66, and then Spanish and Korean at 65. There were no Chinese barbering exams taken in quarter 3. All languages are within one standard deviation of the mean (average), which is within the norm.

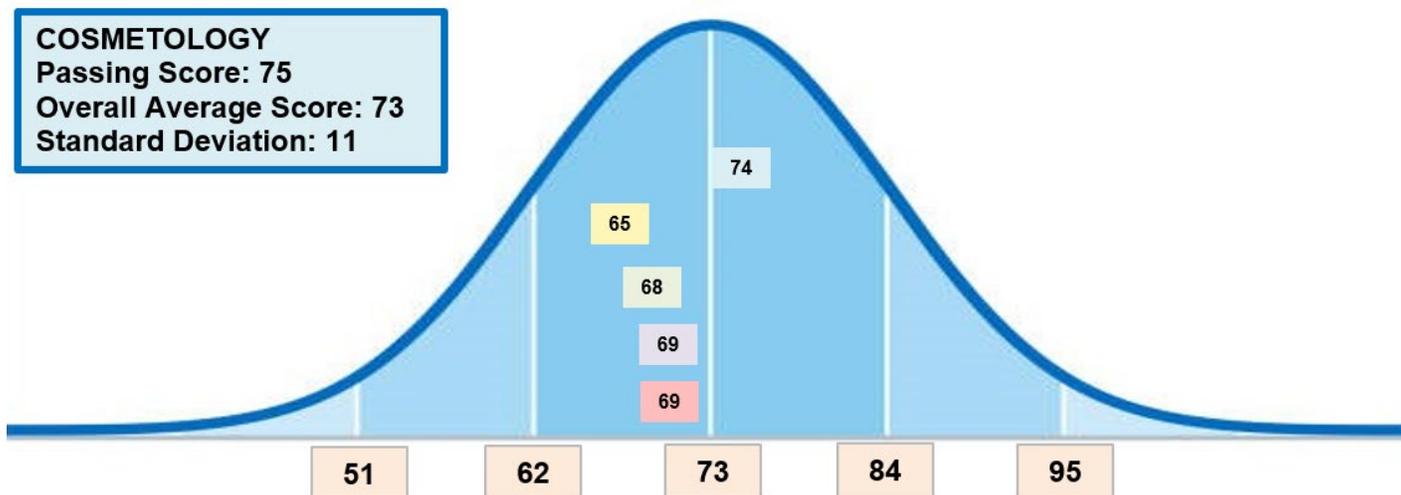


Language	Exam Takes	Average Score
All	Overall	69
	1st	71
	2nd	69
	3rd	69
	4th	69
Language	Exam Takes	Average Score
English	Overall	70
	1st	72
	2nd	69
	3rd	69
	4th	69

Language	Exam Takes	Average Score
Spanish	Overall	65
	1st	63
	2nd	68
	3rd	72
	4th	66
Language	Exam Takes	Average Score
Chinese	Overall	0
	1st	0
	2nd	0
	3rd	0
	4th	0

Language	Exam Takes	Average Score
Korean	Overall	65
	1st	65
	2nd	NA
	3rd	NA
	4th	NA
Language	Exam Takes	Average Score
Vietnamese	Overall	66
	1st	63
	2nd	72
	3rd	70
	4th	68

For cosmetology, the overall average for all languages was 73. English had the highest average at 74, then Korean and Vietnamese at 69, then Chinese at 68, and then Spanish at 65. All languages are within one standard deviation of the mean (average), which is within the norm.

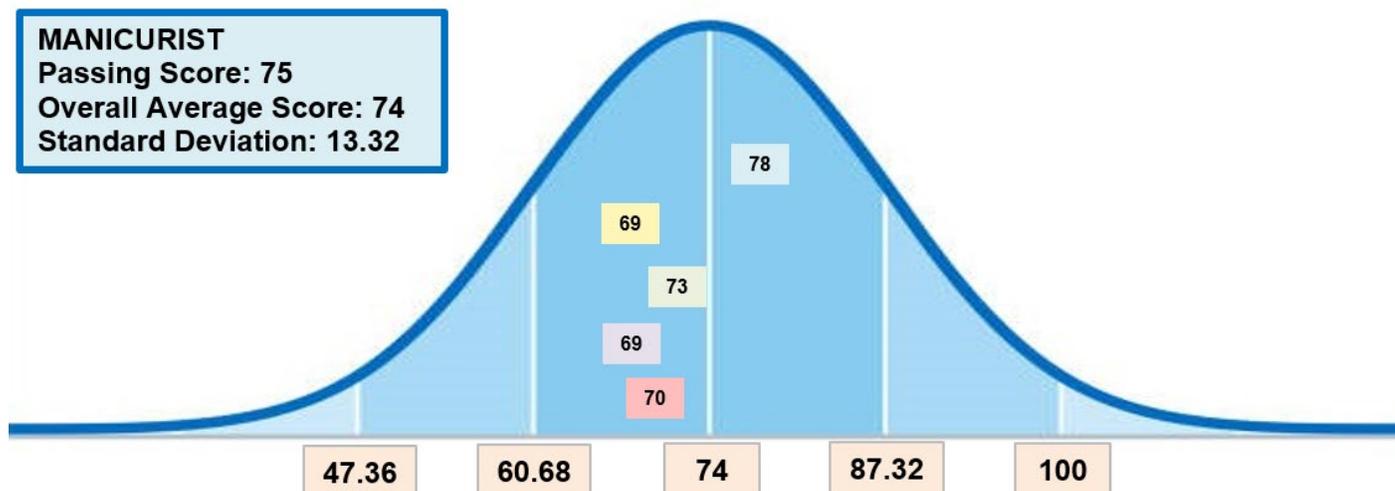


Language	Exam Takes	Average Score
All	Overall	73
	1st	76
	2nd	72
	3rd	69
	4th	68
Language	Exam Takes	Average Score
English	Overall	74
	1st	77
	2nd	73
	3rd	70
	4th	68

Language	Exam Takes	Average Score
Spanish	Overall	65
	1st	65
	2nd	67
	3rd	64
	4th	72
Language	Exam Takes	Average Score
Chinese	Overall	68
	1st	72
	2nd	60
	3rd	61
	4th	59

Language	Exam Takes	Average Score
Korean	Overall	69
	1st	70
	2nd	71
	3rd	67
	4th	62
Language	Exam Takes	Average Score
Vietnamese	Overall	69
	1st	71
	2nd	67
	3rd	68
	4th	69

For manicuring, the overall average for all languages was 74. English had the highest average at 78, then Chinese at 73, then Vietnamese at 70, and then Spanish and Korean at 69. All languages are within one standard deviation of the mean (average), which is within the norm.

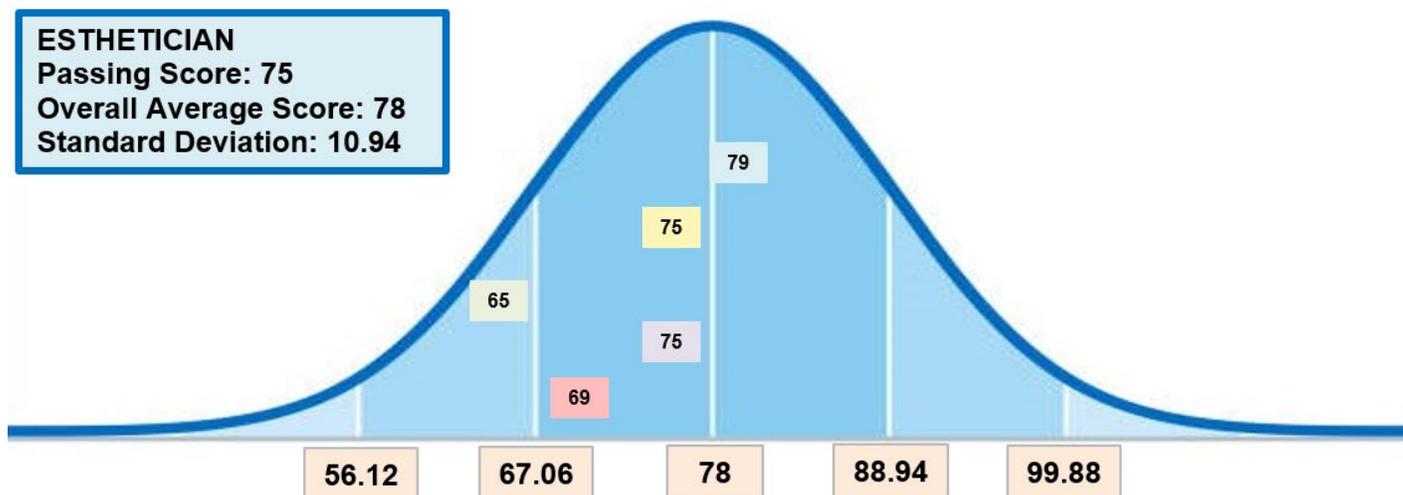


Language	Exam Takes	Average Score
All	Overall	74
	1st	77
	2nd	70
	3rd	69
	4th	66
Language	Exam Takes	Average Score
English	Overall	78
	1st	81
	2nd	73
	3rd	72
	4th	72

Language	Exam Takes	Average Score
Spanish	Overall	69
	1st	72
	2nd	64
	3rd	67
	4th	85
Language	Exam Takes	Average Score
Chinese	Overall	73
	1st	74
	2nd	75
	3rd	76
	4th	66

Language	Exam Takes	Average Score
Korean	Overall	69
	1st	65
	2nd	68
	3rd	69
	4th	76
Language	Exam Takes	Average Score
Vietnamese	Overall	70
	1st	73
	2nd	69
	3rd	68
	4th	63

For estheticians, the overall average for all languages was 78. English had the highest average at 79, then Spanish and Korean at 75, then Vietnamese at 69, and then Chinese at 65. All languages are within one standard deviation of the mean (average), which is within the norm except for Chinese which was one standard deviation outside of the norm.

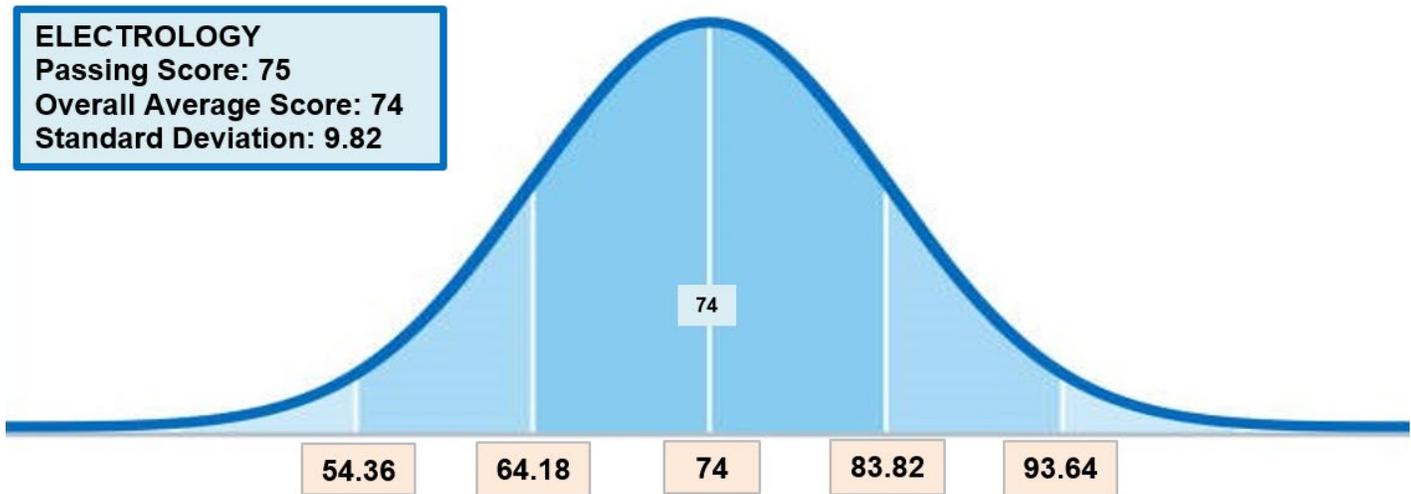


Language	Exam Takes	Average Score
All	Overall	78
	1st	80
	2nd	75
	3rd	73
	4th	72
Language	Exam Takes	Average Score
English	Overall	79
	1st	76
	2nd	76
	3rd	75
	4th	73

Language	Exam Takes	Average Score
Spanish	Overall	75
	1st	77
	2nd	73
	3rd	72
	4th	70
Language	Exam Takes	Average Score
Chinese	Overall	65
	1st	48
	2nd	76
	3rd	61
	4th	75

Language	Exam Takes	Average Score
Korean	Overall	75
	1st	77
	2nd	71
	3rd	NA
	4th	NA
Language	Exam Takes	Average Score
Vietnamese	Overall	69
	1st	71
	2nd	71
	3rd	64
	4th	68

For electrology, the overall average was 74 and there were only English exams taken.



Language	Exam Takes	Average Score	Language	Exam Takes	Average Score	Language	Exam Takes	Average Score
All	Overall	74	Spanish	Overall	NA	Korean	Overall	NA
	1st	76		1st	NA		1st	NA
	2nd	70		2nd	NA		2nd	NA
	3rd	75		3rd	NA		3rd	NA
	4th	NA		4th	NA		4th	NA
English	Overall	74	Chinese	Overall	NA	Vietnamese	Overall	NA
	1st	76		1st	NA		1st	NA
	2nd	70		2nd	NA		2nd	NA
	3rd	75		3rd	NA		3rd	NA
	4th	NA		4th	NA		4th	NA

Licenses Issued

The total number of licenses issued has increased from 7,427 to 7,532, a 1% increase from the last quarter.

Licenses Issued Fiscal Year 22/23

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Barber	289	446	574		1,309
Barber Apprentice	372	350	320		1,042
Cosmetology	1,133	1,437	1,747		4,317
Cosmetology Apprentice	273	302	184		759
Electrology	7	16	16		39
Electrology Apprentice	--	--	--		-
Esthetician	1,687	1,944	2,023		5,654
Manicurist	774	992	1,295		3,061
Establishment	1,442	1,893	1,353		4,688
Mobile Unit	2	2	4		8
Personal Service Permit	20	45	16		81
Totals	5,999	7,427	7,532		20,958

Licenses Issued Last 5 Years

If the number of licenses issued continues at the same rate as FY 22/23 Quarter 1, 2, and 3 for the remaining quarter, we expect about 28,000 licenses to be issued in FY 22/23. The number of licenses issued continues at a pre-pandemic pace.

Licenses Issued Last 5 Years

License Type	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23
Barber	1,966	1,691	1,085	3,036	1,309
Barber Apprentice	854	810	874	1,422	1,042
Cosmetology	6,468	4,810	3,153	6,901	4,317
Cosmetology Apprentice	842	642	584	963	759
Electrology	31	30	26	66	39
Electrology Apprentice	-	0	0	0	0
Esthetician	4,890	3,699	2,887	7,505	5,654
Manicurist	4,414	3,437	2,065	4,581	3,061
Establishment	7,706	6,937	6,302	6,604	4,688
Mobile Unit	-	5	8	12	8
Personal Service Permit				16	81
Totals	27,171	22,061	16,976	31,090	20,958

License Population

Compared to the previous quarter, the license population has increased from 625,164 to 627,312, a 0.34% increase from the last quarter.

License Population

Barber	35,805
Barber Apprentice	2,531
Cosmetology	301,021
Cosmetology Apprentice	1,786
Electrology	1,572
Electrology Apprentice	-
Esthetician	100,781
Manicurist	126,523
Personal Service Permit	99
Establishment	57,124
Mobile Unit	70
Total	627,312

Disciplinary Review Committee

Vacancies

Vladimir Chepurny accepted a promotion at the Franchise Tax Board and his last day with the Board was January 31, 2023. We are now recruiting to fill his Lead Associate Governmental Program Analyst position.

We have hired a Student Assistant, Benjamin Kieu, who will start on April 18, 2023. Some of the main tasks he will assist with are coding appeals in BreEZe, scanning and uploading documents to BreEZe, and mailing out letters.

Disciplinary Review Committee Appeals

Compared to the previous quarter, for the North, the number of appeals received has increased by 42% and the amount pending has decreased by 44%. Compared to the previous quarter, for the South, the number of appeals received has decreased by 15% and the amount of pending has decreased by 27%.

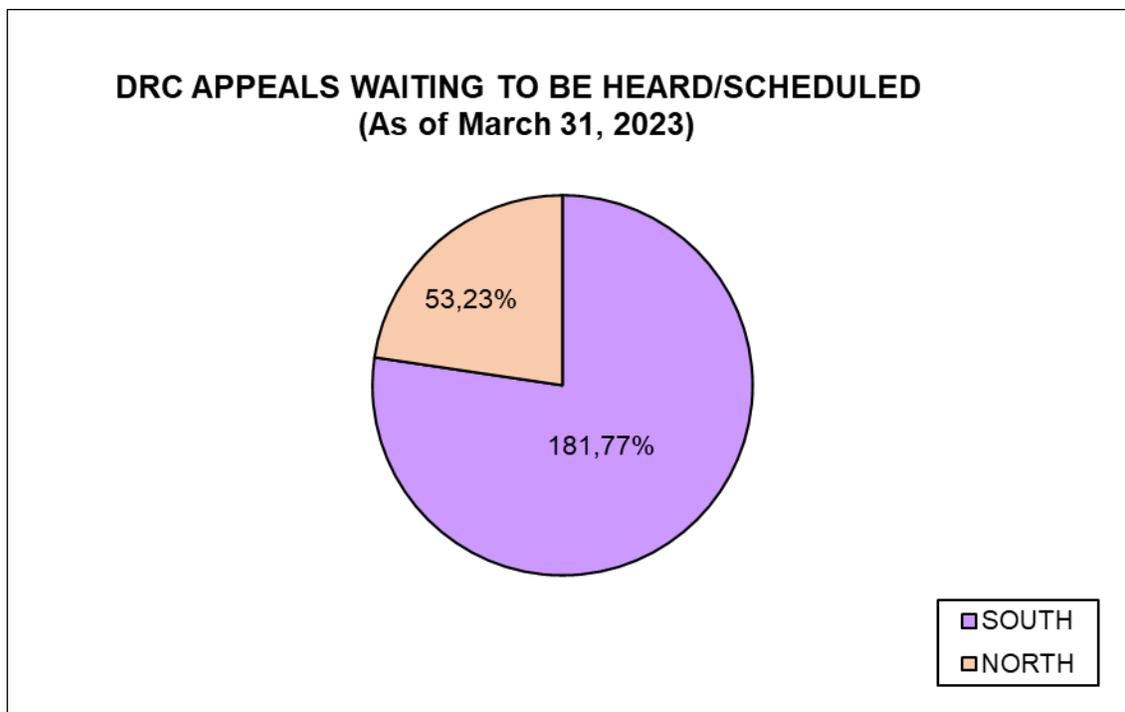
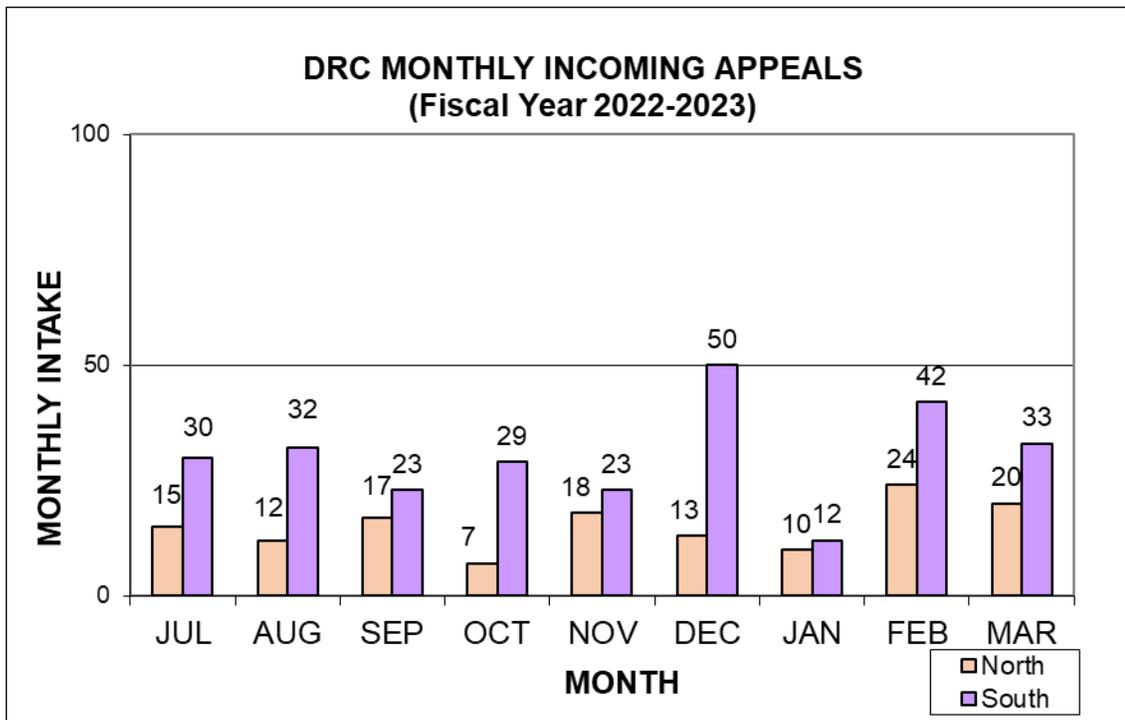
Disciplinary Review Committee Appeals Fiscal Year 22/23

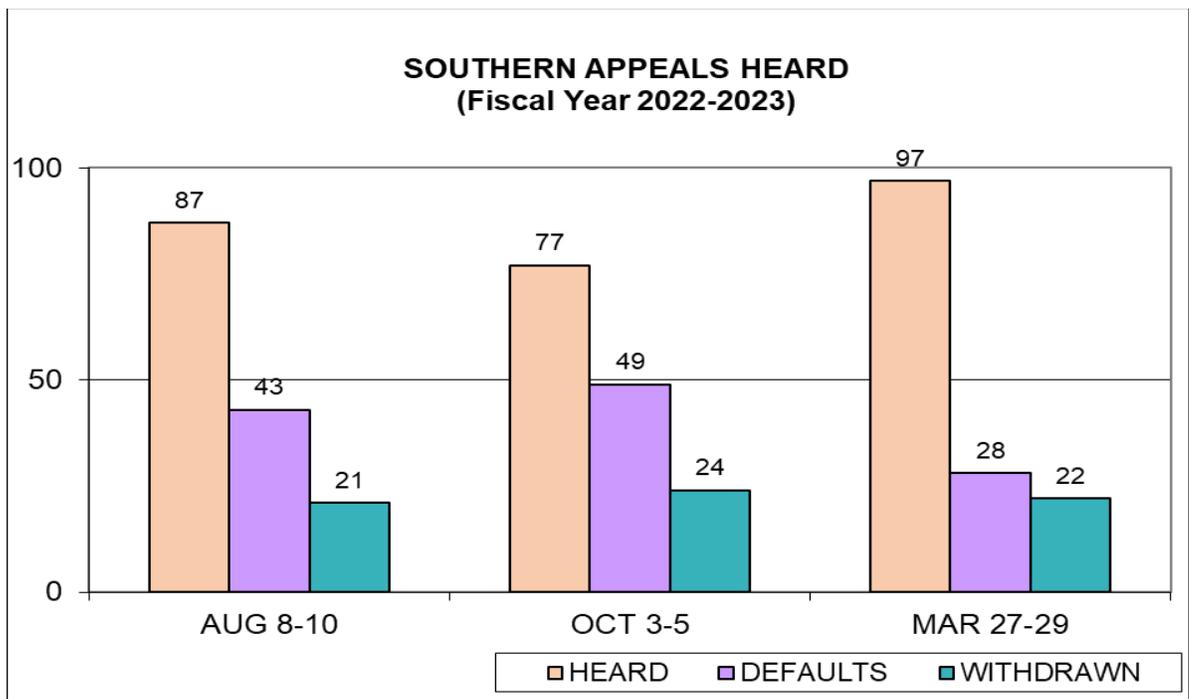
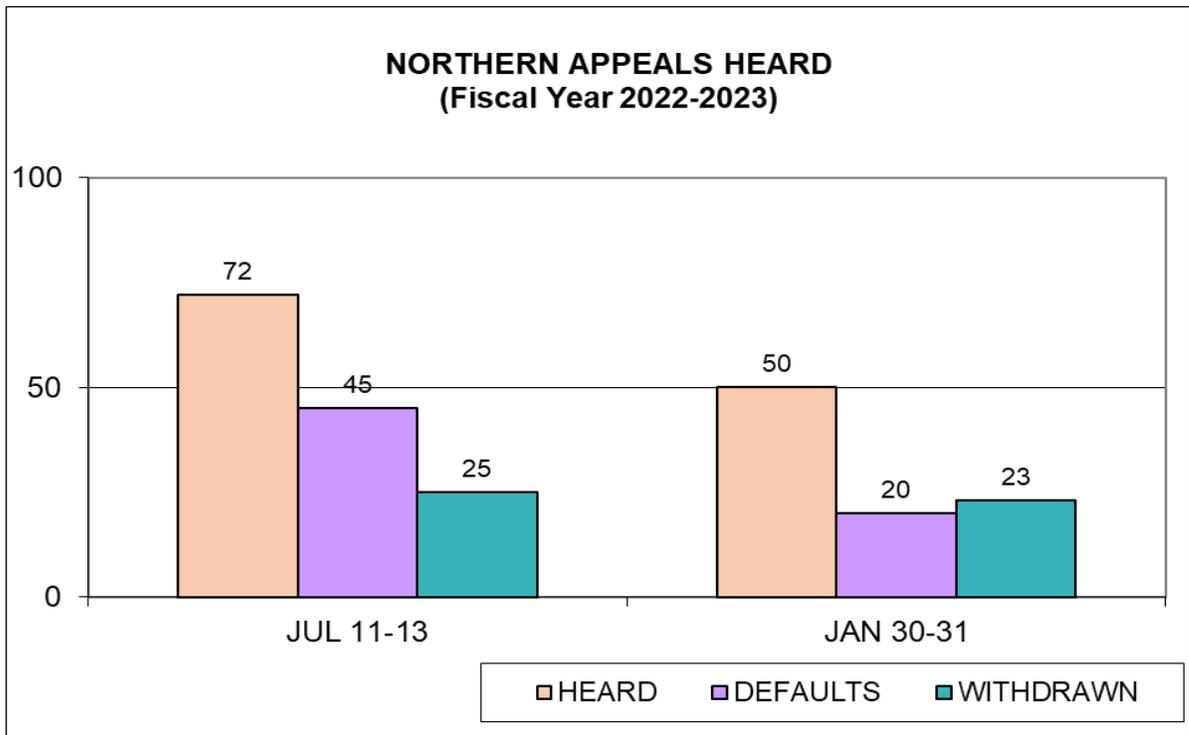
Northern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	142	0	93		142
Received	44	38	54		82
Pending ¹	58	95	53		53 ²

Southern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	151	150	147		301
Received	85	102	87		187
Pending ¹	294	248	181		181 ²

¹Pending refers to the number of appeals received but not yet heard by DRC.

²Figure represents number of pending requests as of report date 03/31/2023.







MEMORANDUM

DATE	April 17, 2023
TO	Board of Barbering and Cosmetology
FROM	Nicole Quinn, Enforcement Chief
SUBJECT	Agenda Item 6c Enforcement, Inspections, and Cite and Fine Report

Staffing Update

Program Technician II, John Brewer, accepted a promotional position at the Secretary of State. His last day at BBC was February 17, 2023. Office Technician, Samantha Chao-Windom, accepted a promotional position with the Department of Justice. Her last day with BBC was March 20, 2023. School's Analyst, Paul Harrison, accepted a promotional position with the Acupuncture Board. His last day with BBC was March 31, 2023. Complaint Analyst, Rachel Sulzen, accepted a position with the State Controller's Office. Her last day with BBC was April 7, 2023. The Inspections Analyst, Allison Stout, has accepted a position with CA Recycle and will be departing from the BBC on April 28, 2023.

The Enforcement Unit welcomed Cathie Scott as the new BreEZe/Complaint Analyst. She joined BBC on March 13, 2023. On April 3, 2023, the Enforcement Unit welcomed Justin Kanenaga as the new Probation/Complaint Analyst. He joined BBC on April 3, 2023.

Vacancies

The Enforcement Unit is currently in the hiring process for four analyst positions in addition to three Special Investigator positions, one each for Los Angeles, Sacramento, and San Diego.

The Cite and Fine will be recruiting for an AGPA/SSA Inspections Analyst position.

The Inspections Unit is currently in the hiring process of four Inspector I/II candidates, one in Northern California and three in Southern California. The Inspections Unit has two open Inspector III positions, one in the North and one in the South.

Vacant Inspector Positions	
Classification	Location
Inspector I/II	Kern County
Inspector I/II	Riverside/ San Bernardino County
Inspector I/II	Orange County
Inspector I/II	Northern California
Inspector III	Southern
Inspector III	Northern

ENFORCEMENT

Probation

The probation desk currently has 136 open cases. There are currently 104 active cases and 32 cases that are tolled because the licensee is not working. There are currently two Immediate Suspension cases open.

Attorney General’s Office

The number of cases referred to the Attorney General’s Office in the third quarter of FY 2022/23 is 21. This was four more cases than were referred in quarter two of FY 2022/23. The Board currently has 66 cases at the Attorney General’s Office.

Schools

The Board currently has 255 approved schools, as of March 31, 2023. There are currently 49 open school cases. So far BBC has referred 24 cases in 2023 to the Bureau of Private Post-Secondary Education due to the complaint alleging possible violations of their laws and regulations.

Externs

The chart below indicates how many schools are participating in the extern program and how many establishments externs are working in.

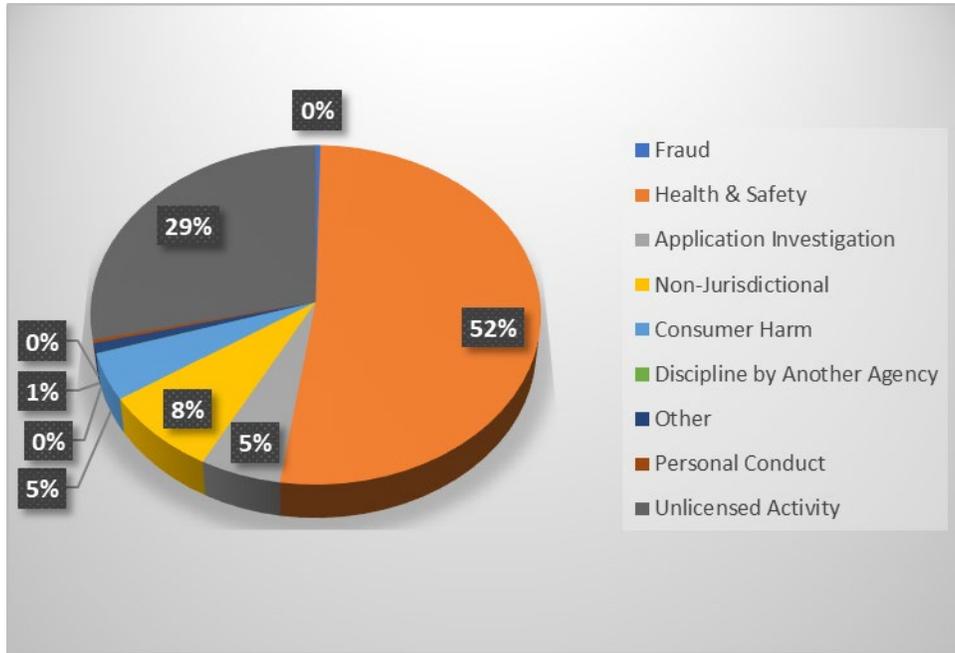
Extern Programs						
	2019	2020	2021	2022	2023	Total
Number of Schools	2	12	10	15	2	41
Number of Establishments	6	56	74	76	13	225

Complaint Intake

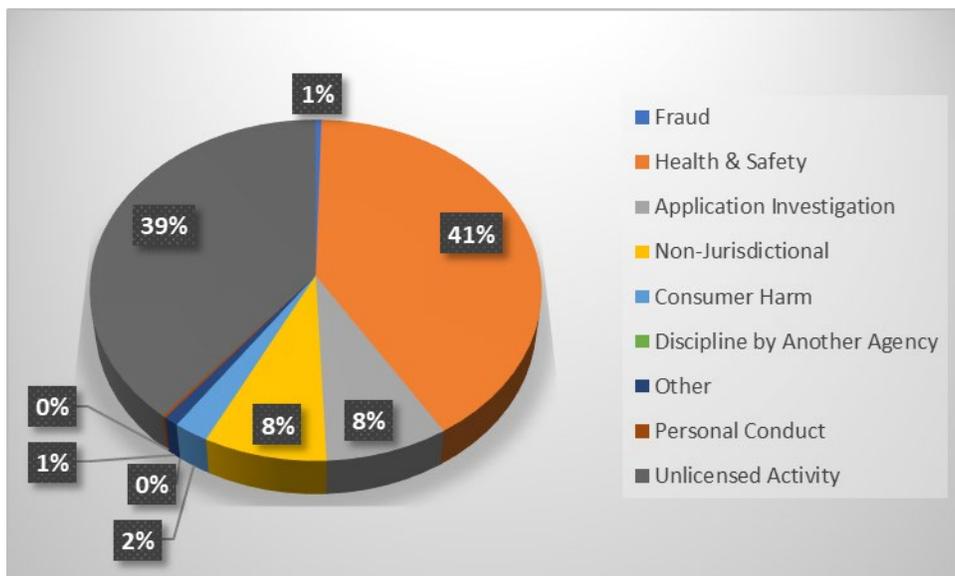
The number of complaints received for the second quarter of FY 22-23 is 1,246.

COMPLAINTS					
Complaints Received	FY 2022/23				
	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
	1,353	1,065	1,246		3,664

Complaints Received by Complaint Type -April 2018 through March 2023 (Last Five Years)



Complaints Received by Complaint Type - January 1, 2023, through March 31, 2023



Enforcement Statistics

Enforcement Statistics							
COMPLAINTS							
	FY2020/21	FY2021/22	FY 2022/23				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Complaints Received	6,699	4,467	1,353	1,065	1,246		3,664
Referred to DOI	6	17	40	7	7		54
Complaints Closed	7,278	4,542	1,037	991	909		2,937
Total Complaints Pending	1,335	1,356	1,763	1,784	2,082		2,082
Average Days to Close (Quarterly)	169	110	92	131	125		116
APPLICATION INVESTIGATIONS							
	FY2020/21	FY2021/22	FY 2022/23				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Received	6	16	2	9	6		17
Pending	9	6	4	13	16		16
Closed	8	10	3	5	5		13
ATTORNEY GENERAL							
	FY2020/21	FY2021/22	FY 2022/23				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Referred	21	29	16	17	21		54
Accusations Filed	24	18	9	7	12		28
Statement of Issues Filed	2	2	1	0	2		3
Total Pending	73	26	41	52	66		66
DISCIPLINARY PROCESS							
	FY2020/21	FY2021/22	FY 2022/23				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Proposed Decisions	6	3	0	0	1		1
Default Decision	15	2	1	0	3		4
Stipulation	17	5	1	4	2		7

DISCIPLINARY OUTCOMES							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Revocation	25	9	1	1	3		5
Revoke, Stay, Probation	6	3	1	0	2		3
Revoke, Stay, Suspend/Prob	16	2	0	1	1		2
Revocation, Stay w/ Suspend	0	0	0	0	0		0
Probation Only	0	0	1	0	0		1
Suspension Only	0	0	0	0	0		0
Suspension & Probation	0	0	0	0	0		0
Suspension, Stay, Probation	1	2	0	0	0		0
Surrender of License	11	3	0	2	0		2
Public Reprimands	0	0	0	0	0		0
License Denied	0	0	0	0	0		0
Other	2	0	0	0	0		0
Total	61	20	3	4	6		13
PROBATION							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Active	107	112	107	106	104		101

INSPECTIONS AND CITE AND FINE

CITATIONS							
	FY2020/21	FY2021/22	FY 2022/23				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Establishments	529	3,262	779	1,051	912		2,742
Barber	18	276	69	97	94		260
Barber Apprentice	17	83	14	18	21		53
Cosmetologist	69	542	166	189	191		546
Cosmetologist Apprentice	4	19	10	10	4		24
Electrologist	0	0	0	0	0		0
Electrologist Apprentice	0	0	0	0	0		0
Manicurist	30	399	157	260	166		583
Esthetician	16	132	19	33	48		100
Unlicensed Est.	169	315	74	83	103		260
Unlicensed Individual	72	267	51	96	73		220
Total	914	5,295	1,339	1,837	1,612		4,788

INSPECTIONS							
	FY2020/21	FY2021/22	FY 2022/23				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar*	Apr-Jun	
Establishments w/ violations	1,544	4,479	1,251	1,262	742		3,255
Establishments w/o violations	214	2,119	316	335	166		817
Total	1,758	6,598	1,567	1,597	908		4,072

*Data includes January through February 2023

Inspections

The BBC's Inspectors continue to focus on follow-up, routine, and complaint related inspections.

OUT OF BUSINESS and CLOSED ON CALL

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Ma	Apr	May	Jun	FYTD
Out of Business	93	126	85	77	53	107	103	103					747
Closed on Call	172	185	161	162	166	188	239	190					1,463
TOTAL ISSUED	265	311	246	239	219	295	342	293					2,210

ESTABLISHMENT INSPECTIONS REPORTS ISSUED

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishments w/ violations	465	441	345	480	432	350	370	372					3,255
Establishments w/o violations	86	137	93	135	116	84	84	82					817
TOTAL ISSUED	551	578	438	615	548	434	454	454					4,072

Citations

As of April 7, 2023, the Cite and Fine Unit is at a 28 day turn-around time frame from when an inspection is completed to when the citation is mailed out to the establishment or licensee. This is a 14 day improvement from last quarter which was a 42 day turn-around time frame.

CITATIONS ISSUED

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishment	299	266	211	368	267	416	331	261	320				2,739
Individual	152	156	127	210	170	227	165	164	195				1,566
Unlicensed Establishments	26	24	24	19	26	38	37	28	38				260
Unlicensed Individuals	21	19	11	29	27	40	28	20	25				220
TOTAL ISSUED	498	465	373	626	490	721	561	473	578				4,785

Request For Payment Notices

BBC continues to send for payment notices to establishments and individuals that have outstanding fines. First request for payment notices are sent about 30 days after the fine was due. Second request for payment notices are sent approximately 30 days after the first notice. Third request for payment notices are sent via certified mail approximately 30 days after the second notice. Citations for licensees that have not paid their fine in full after the third request for payment notice are sent to the Franchise Tax Board. Citations for unlicensed individuals that have not paid their fine in full after the third request for payment notice are referred to a collection agency.

REQUEST FOR PAYMENT NOTICES - FY 2022-2023					
	July - September	October - December	January - March	April - June	Total
Request for Payment Notice 1	619	344	799		1,762
Request for Payment Notice 2	407	71	989		1,467
Request for Payment Notice 3	90	3	185		278
Referred to Collections	0	0	0		0
Referred to Franchise Tax Board	0	0	0		0
Grand Total	1,116	418	1,973		3,507

There has been an increase in the number of Requests for Payment Notices sent due to the addition of a request for payment Program Technician II.

Payment Plans

Per B&P 7408.1 and CCR 974.3 the Board may enter a payment plan for citations with administrative fines that exceed five hundred dollars (\$500.00). Of the 203 requests for payment plans that have been submitted, 92 citations have been paid in full giving a success rate of approximately 45%. It is taking an average of 245 days for the fines to be paid in full. The average fine amount is \$1,231.00 for payment plans.

Payment Plans – FY 22-23					
	July - September	October - December	January- March	April - June	Total
New	44	13	11		
Paid in Full	17	12	6		
Total Pending Payment Plans	105	102	95		
Initial Fine Amount Total:	\$129,400.00	\$119,625.00	\$106,075.00		
Total Amount Paid	\$35,873.00	\$36,087.10	\$29,313.00		
Current Total Balance:	\$93,596.00	\$83,537.90	\$76,762.00		



MEMORANDUM

DATE	April 17, 2023
TO	Members, Board of Barbering and Cosmetology
FROM	Kristy Underwood, Executive Officer
SUBJECT	Agenda Item 6 – Outreach Update

Recent Outreach Events

On February 6, 2023, Board staff held a virtual Cosmetology Townhall with PSI to provide test information and study suggestions to school instructors and answer questions. Approximately 65 individuals attended the event.

On February 22, 2023, Carrie Harris and Alex Torkelson participated in the El Centro Jr./Sr. High School's 10th Annual Career & Resource Fair.

On March 8, 2023, Carrie Harris and Alex Torkelson attended a virtual event for the Sacramento Valley SBDC's "The SHOP: Beauty and Barber Program" to speak on licensing requirements and processes.

On March 22, 2023, Alex Torkelson and Natalie Mitchell spoke at Franklin High School and Stockton High. Between the two schools, they spoke to approximately 50 students.

On March 30, 2023, Alex Torkelson and Natalie Mitchell attended Highlands High School's Career Day. They were able to speak to approximately 80 students.

On April 2-3, 2023, the Board attended the Premiere Anaheim Tradeshow (formally known as ISSE), where they were able to assist over two hundred people with their questions.

April 5, 2023, Carrie Harris and Alex Torkelson attended the Sacramento Valley's The Shop: Beauty and Barber Networking Roundtable. They answered questions about opening an establishment, services that can be provided, and any health and safety questions.

New/Updated Publications

On February 2, 2023, the Board emailed 25 high school districts. Counselors, career education specialists, and directors were contacted regarding the Board distributing "What to Know Before Picking a Cosmetology School" pamphlet and "What to Know Before Picking a Barber School" pamphlet. Between requests from high school districts and individual schools, over 500 pamphlets were mailed.

In the February 2023, the Department of Consumer Affairs' Consumer Connection Magazine published an article, *Are Mobile Hair, Makeup, and Nail Services Legal?* that provides information to consumers about the Board's Personal Service Permit (PSP), how to obtain a PSP, and what a licensee can do with the PSP.

Email Blasts

In January, the Board sent two emails to Schools and Interested Parties regarding the February 6, 2023 Barber Townhall.

February 1, 2023, The Board emailed the Interested Parties and provided a link to survey regarding texts messages.

February 3, 2023, The Board's Interested Parties received an email regarding the February 13, 2023 Legislative and Budget Committee Meeting.

On February 27, 2023, the Board emailed Schools to remind them to share with their students information about the Translated Guides, which can be accessed on our website.

On March 2, 2023, the Interested Parties received an email about the 4 Committee Meeting agendas for March 13, 2023.

March 8, 2023, The Board's Schools received an email regarding examinations being offered in Simplified Chinese.

On March 10, 2023, The Board emailed the Interested Parties regarding the March 20, 2023 Health and Safety Committee Meeting.

March 15, 2023, Schools received an email from the Board about the new Hairstylist Licenses.

March 17, 2023, Licensees, Schools, and Interested Parties were sent an email in regards to the newest issue of The BarberCosmo Update.

On March 24, 2023, The Board emailed the Interested Parties, Licensees, and Schools about the Board hosting a Most Common Violations Townhall on Monday, April 10, 2023. They also received a reminder email on April 4, 2023.

The Board will continue to send (at minimum) a monthly email blast to licensees and interested parties.

Future Outreach

On May 20-21, 2023, the Board will attend the Jazz Z Beauty & Barber Trade Show in Anaheim.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
 DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
 P.O. Box 944226, Sacramento, CA 94244-2260
 Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
 Website: www.barbercosmo.ca.gov



SB 803 Implementation Plan Outline

Below is an updated of the tasks involved with implementation of SB 803.

Business and Professions Code (BPC) Section	Tasks	Status
7316 Hairstylist License	<ul style="list-style-type: none"> • Conduct occupational analysis • Develop examination • Prepare regulation package • Update and modify BreEZe 	<ul style="list-style-type: none"> • A Passing Score Workshop was conducted on April 4, 2023. • A second Passing Score Workshop is scheduled for May 8, 2023. • OPES anticipates the Hairstylist exam will be ready July 1, 2023.
7334 Pre-Apprentice Training	<ul style="list-style-type: none"> • Develop program (project plan, time frame) 	<ul style="list-style-type: none"> • Board staff is currently in the process of preparing a contract with the vendor.
7362-7365 School Curriculum	<ul style="list-style-type: none"> • Create Q&A for licensees and schools for homepage of website with BPPE • Amend regs regarding curriculum • Approve new barbering and cosmetology courses with BPPE 	<ul style="list-style-type: none"> • As of April 10, 2023, the Board has received new course applications from 216 schools. 210 have been approved with 6 pending. (There are 253 schools in CA). • Q and A completed. • Regulations are in process
7395.1 Externs	<ul style="list-style-type: none"> • Review Extern package already started • Update website FAQs 	<ul style="list-style-type: none"> • 7395.2 Barber Externs updated in statute as of January 1, 2023. • Extern regulation package being reviewed by staff.
7407 Fines	<ul style="list-style-type: none"> • Determine definition of “direct impact” • Establish work group to review fine schedule • Prepare regulation package 	<ul style="list-style-type: none"> • Discussion will be continued at the next Health and Safety Committee Meeting. • Board staff are finalizing the regulatory language and will work with DCA Legal to approve before the committee refers it to the full Board.

Board of Barbering and Cosmetology Strategic Plan Objective Tracker 2022-2027

Goal 1: Board Administration			
1.1	Establish and implement a comprehensive training plan for managers and staff to strengthen and develop their customer service skills in the workplace and improve the experience of stakeholders and consumers when interacting with the Board.		
Success Measure:	Completed training, improved Consumer Satisfaction Survey responses.		
Objectives/Tasks		Target Completion	Current Status
1.1.1	Research training opportunities.	Q1 2023 and Ongoing Quarterly	Completed and Ongoing
	<ul style="list-style-type: none"> • Currently looking at trainings that benefit the staff. • SOLID customer service training completed 4/6/2023. 		
1.1.2	Review training emails from CalHR, CPS, and SOLID for customer service class opportunities.	Q1 2023 and Ongoing Monthly	Completed and Ongoing
	<ul style="list-style-type: none"> • Continuing to review all emails for customer service training opportunities and a plan will be implemented for the Board (1.1.3). 		
1.1.3	Create a quarterly calendar of potential classes for each unit.	Q1 2023 and Ongoing Quarterly	Pending
	<ul style="list-style-type: none"> • Will create a quarterly calendar for the potential classes for each unit. 		
1.1.4	Spot check email responses sent for tone and correct information.	Q1 2023 and Ongoing Monthly	Completed and Ongoing
	<ul style="list-style-type: none"> • Reviewing staff emails a few times a week and addressing items with staff as needed. 		
1.1.5	Spot check letters sent for tone and correct information.	Q1 2023 and Ongoing Monthly	Completed and Ongoing
	<ul style="list-style-type: none"> • Reviewing attached letters in BreEZe as well as when managers shadow staff. • Reviewing letters and will plan a future project to refine the templates that are currently being used. 		
1.1.6	Managers deliver tips at monthly unit meetings.	Q1 2023 and Ongoing Monthly	Completed Ongoing
	<ul style="list-style-type: none"> • Managers started dedicating an agenda item on each monthly unit meeting to customer service in 2022. 		
1.1.7	Share a successful customer service story in each quarter in the newsletter.	Q1 2023 and Ongoing Quarterly	Completed Ongoing
	<ul style="list-style-type: none"> • Managers are asking staff for customer service stories in monthly meetings. • The first successful customer service story was shared in the April 2023 monthly newsletter. 		
1.1.8	Create a customer satisfaction survey.	Q2 2023	Pending
	<ul style="list-style-type: none"> • Will utilize SurveyMonkey to ask questions and have a comment box. 		

1.1.9	Conduct annual training for the team.	Q3 2023 and Ongoing	Pending
	<ul style="list-style-type: none"> Looking at upcoming customer service training opportunities. 		
1.2	Establish and implement internal communications to notify board members and staff of industry issues, health and safety concerns, trends, and products for the furtherance of consumer protection and safety.		
Success Measure:	Report created; newsletters contain reports.		
Objectives/Tasks		Target Completion	Current Status
1.2.1	Continue to highlight issues, concerns, trends, products in monthly newsletter.	Q4 2022 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Started Industry Trends/Concerns section in September 2021. 		
1.2.2	Unit Managers (especially enforcement) report to EO and AEO of trends observed in industry.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Trends reported on monthly reports to chiefs and shared at manager meetings. 		
1.2.3	Enhance reporting in newsletter data to show increases, decreases, and trends.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Managers started reporting trends in February 2023 (comparing the number of calls and emails received, complaints received, establishments inspected, enforcement cases assigned to analysts, and more to the previous month to show increase/decrease). 		
1.2.4	Engage Health & Safety Advisory Committee to get industry input on trends being observed in the field.	Q3 2023 and Ongoing	Pending
	<ul style="list-style-type: none"> Once the Health and Safety Advisory Committee completes review of the health and safety regulations, they will discuss new trends. 		
1.3	Fill staff vacancies to improve operational effectiveness.		
Success Measure:	Vacancy rate remains under 15%.		
Objectives/Tasks		Target Completion	Current Status
1.3.1	Submit RPA package to DCA OHR as soon as vacancies are available.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Staff currently submits RPA packages when notified of vacancies, refills, and reclassifications. 		
1.3.2	Get applications scored as they become available.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Managers score applications within one week of receiving them. 		
1.3.3	Interview promptly.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Managers schedule interviews within one week of scoring the applications. 		
1.3.4	Management complete hiring process as quickly as possible.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Reference checks and Official Personnel File reviews are completed as soon as managers are aware of eligibility and then the required documents are submitted to the HR Liaison. 		

1.3.5	Create and train on written procedures for all hiring managers with timelines.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Onboarding checklist updated with timeframes and shared with hiring managers. 		
1.3.6	Post job openings on social media, Indeed, and other sources.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Staff post on social media, Indeed, and Handshake as of December 2022. 		
1.3.7	Track data on 'where did you hear about this position?'	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Staff track the supplemental surveys that are submitted with the applications asking how they heard about the position. 		
1.3.8	Include job announcements on website promptly.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> Once vacancies are posted on CalHR, Board staff submits tickets to OIS to post job announcements on the Board's website within 2 days. 		
1.4	Develop a plan to work with community and state colleges to increase employment pipelines to recruit effective staff.		
Success Measure:	Vacancy rate remains under 15%.		
Objectives/Tasks		Target Completion	CurrentStatus
1.4.1	Work with Sac State and campus clubs on outreach events and opportunities.	Q4 2022 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> "Meet the Employer" events held 12/12/2022 and 03/09/2023 with CSUS. Staff looking into additional "Meet the Employer" events. 		
1.4.2	Find other colleges and campus clubs to partner with on outreach events and opportunities.	Q2 2023 and Ongoing	Pending
	<ul style="list-style-type: none"> Staff reached out to the Los Rios Community College District. 		
1.4.3	Seek out career fairs and other outreach events/opportunities with multiple colleges.	Q2 2023 and Ongoing	Pending
	<ul style="list-style-type: none"> Staff reached out to the Los Rios Community College District. 		
1.5	Enhance board member training with industry and staff presentations to bridge the gap between licensed and public board members.		
Success Measure:	Increased engagement from Public Board members.		
Objectives/Tasks		Target Completion	CurrentStatus
1.5.1	Present flow charts/information on internal processes.	Q4 2022	Completed
	<ul style="list-style-type: none"> Flowcharts were presented at the October 24, 2022, board meeting. 		
1.5.2	Update board member manual to include info on license types and scopes of practice.	Q4 2022	Pending
	<ul style="list-style-type: none"> Updated and presented to Board as Agenda Item Number 7 at the 4/17/2023 board meeting. 		
1.5.3	Provide industry presentations at board meetings that cover specific license types.	Q1 2023 and Ongoing	Completed Ongoing

	<ul style="list-style-type: none"> • April 2023 board meeting will have electrology presentation. • July 2023 board meeting tentatively scheduled for esthetics. • October 2023 board meeting tentatively scheduled for hairstyling. 		
1.6	Utilize existing board sub-committees on a regular schedule to discuss larger issues and provide more resources for the Board to make informed decisions.		
Success Measure:	Committees make recommendations to full Board on larger issues.		
Objectives/Tasks		Target Completion	CurrentStatus
1.6.1	Schedule committee meetings.	Q4 2022 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> • Schedule created and sent to board members October 2022. 		
1.6.2	Provide background info on topics going before committees.	Q4 2022 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> • Committee members receive memorandums with background information. 		
1.6.3	Encourage committee chairs to provide direct ideas and actionable suggestions.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> • “Action Needed” and questions to lead discussion are provided on memorandums. 		
Goal 2: Legislation and Regulation			
2.1	Review policies and regulations that advocate for and support consumer protection to ensure consumer safety.		
Success Measure:	Regulations and procedures are updated and current.		
Objectives/Tasks		Target Completion	CurrentStatus
2.1.1	Find out if inspectors are noticing any trends.	Q1 2023 and ongoing	Completed Ongoing
	<ul style="list-style-type: none"> • Topic added to all inspector meeting agendas and quarterly trainings. • Manager will watch for trends while reviewing inspection reports. 		
2.1.2	Review enforcement processes to ensure consumer safety is being provided.	Q3 2023 and Ongoing	Pending
2.1.3	Review and update health & safety regulations.	Q4 2023	Pending
	<ul style="list-style-type: none"> • Health and Safety Advisory Committee finishing review of language. 		
2.1.4	Update school regulation pertaining to health & safety.	Q4 2023	Pending
	<ul style="list-style-type: none"> • Health and Safety Advisory Committee finishing review of language. 		
2.2	Establish relationships with legislators to educate them on industry topics and advance Board interests.		
Success Measure:	At least one meeting held.		
Objectives/Tasks		Target Completion	CurrentStatus
2.2.1	Generate a list of potential legislators on B&P (or others).	Q2 2023 and Ongoing	Pending

2.2.2	Develop and provide a Fact Sheet to hand out to legislators.	Q2 2023 (updated annually)	Pending
2.2.3	Reach out to legislators to set up meetings.	Q2 2023	Pending
2.2.4	Hold meetings with legislators.	Q2 2023	Pending
2.3	Implement Senate Bill 803 with thoroughly vetted regulations to remain in compliance with the law and support the industry.		
Success Measure:	Regulations are adopted; Hair Stylist and Pre-Apprentice licenses implemented.		
Objectives/Tasks		Target Completion	CurrentStatus
2.3.1	Develop and implement SB 803 regulations.	Q3 2023	Pending
2.3.2	Develop and implement new hair stylist license. <ul style="list-style-type: none"> • Applications drafted and will be posted on our website on June 1, 2023. • BreZE tickets submitted. • Waiting for exam creation with OPDE. 	Q3 2023	Pending
2.3.3	Develop and implement pre-apprentice training. <ul style="list-style-type: none"> • Content drafted. • Reviewing cost estimates and determining next steps to proceed. 	Q3 2023	Pending
2.4	Establish schedule of regular legislative and budget committee meetings to remain current with industry related issues and policies.		
Success Measure:	Meetings are scheduled.		
Objectives/Tasks		Target Completion	CurrentStatus
2.4.1	Create calendar for regular Legislative and Budget committee meetings. <ul style="list-style-type: none"> • Monthly meetings scheduled. 	Q4 2022	Completed
2.5	Develop regulation packages for on-going regulations that affect the industry to provide clarity on state statutes.		
Success Measure:	Updated regulations filed with OAL.		
Objectives/Tasks		Target Completion	CurrentStatus
2.5.1	Review statutes & regulations to determine if there are regulations that need to be updated. <ul style="list-style-type: none"> • Staff are reviewing regulations for updates. 	Q4 2023	Pending
2.5.2	Make recommendation to the Board of any findings.	Q1 2024	Pending
2.5.3	Depending on board response, pursue a regulation package.	Q1 2024	Pending

Goal 3: Licensing			
3.1	Explore and develop a list of ongoing educational options for licensees to increase consumer awareness and safety.		
Success Measure:	Completion of all educational option tasks at least once.		
Objectives/Tasks		Target Completion	CurrentStatus
3.1.1	Post on social media. • Staff are posting on social media weekly at a minimum.	Q4 2022 and Ongoing	Completed Ongoing
3.1.2	Listserv email blast. • Email blasts are sent monthly.	Q4 2022 and Ongoing	Completed Ongoing
3.1.3	Coordinate attendance at in-person trade shows. • Staff have attended 3 in-person trade shows and are scheduled to attend 1.	Q4 2022 and Ongoing	Completed Ongoing
3.1.4	Explore mass text messages. • Education and Outreach Committee decided to table this until fee study is completed.	Q1 2023	Completed
3.1.5	Hold more town hall meetings. • Cosmetology and Barber townhalls with PSI held. • First monthly live event held April 10, 2023.	Q4 2023	Pending
3.1.6	Make informational videos.	Q4 2023	Pending
3.2	Explore additional technology options to make the application process more efficient for licensees.		
Success Measure:	BreEZe changes are implemented.		
Objectives/Tasks		Target Completion	CurrentStatus
3.2.1	Determine BreEZe process and need for future streamlining (e.g. make attach button bigger). • BreEZe meetings held every Friday to discuss opportunities for Breeze improvements.	Q4 2024 and Ongoing	Pending
3.2.2	Implement BreEZe enhancement to allow all applications to be submitted electronically. • Several BreEZe tickets submitted.	Q4 2023	Pending
		Target Completion	
3.3.1	Review all Board materials, determine what needs to be updated.	Q1 2024	Pending
3.3.2	Use more inclusive language (e.g., pronouns, non-English – include translation services).	Q1 2024	Pending

3.3.3	Implement changes identified.	Q4 2024	Pending
Goal 4: Inspections			
4.1	Increase inspector wages to attract and retain quality inspectors.		
Success Measure:	Inspector pay-scales are increased.		
Objectives/Tasks		Target Completion	CurrentStatus
4.1.1	Work with DCA HR to increase wages.	Q4 2023	
4.2	Conduct yearly updated training with Board inspectors to develop language skills, cultural competency, customer service, report writing, and inspectors' industry-specific knowledge to increase competency and consistency.		
Success Measure:	Monthly training plan has been implemented.		
Objectives/Tasks		Target Completion	CurrentStatus
4.2.1	Research and develop monthly training plan for inspectors monthly meeting.	Q2 2023 and Ongoing	
4.2.2	Research and develop more in-depth quarterly training.	Q2 2023 and Ongoing	
4.3	Increase technology for inspections to streamline the process for inspectors and licensees.		
Success Measure:	Mobile inspection process available to inspectors.		
Objectives/Tasks		Target Completion	CurrentStatus
4.3.1	Attend vendor demos for mobile inspector report. • Attended several demonstrations.	Q1 2023	Completed
4.3.2	Select a vendor.	Q1 2023	
4.3.3	Work with vendor on configuration and implementation.	Q4 2023	
4.3.4	Develop training materials for inspectors.	Q4 2023	Pending
Goal 5: Enforcement			
5.1	Obtain special investigator positions to increase the efficiency of investigating consumer harm complaints.		
Success Measure:	Special investigator positions obtained.		
Objectives/Tasks		Target Completion	CurrentStatus
5.1.1	Create and submit package to re-classify inspector positions to special investigator.	Q4 2022	Completed

5.1.2	Recruit for new special investigator positions. <ul style="list-style-type: none"> Special Investigator positions posted in March 2023. 	Q2 2023	Pending
5.2	Collaborate with the Bureau of Private Post-Secondary Education (BPPE) to conduct quality school investigations, to improve the qualifications of applicants and consumer protection.		
Success Measure:	Joint inspections held.		
Objectives/Tasks		Target Completion	CurrentStatus
5.2.1	Establish regular meetings with BPPE.	Q4 2022 and Ongoing	Completed Ongoing
5.2.2	Schedule and conduct joint inspections of schools. <ul style="list-style-type: none"> Need to fill school analyst positions first. 	Q1 2023 and Ongoing	On Hold
5.3	Investigate unlicensed activity in licensed and unlicensed locations (including phone application/web-based on-demand services) to increase consumer protection.		
Success Measure:	Procedures have been updated and implemented.		
Objectives/Tasks		Target Completion	CurrentStatus
5.3.1	Create and update procedures for investigating unlicensed activity done outside of establishments.	Q1 2023 and Ongoing	Completed Ongoing
5.3.2	Create and update procedures for forwarding cases to DOI for investigation. <ul style="list-style-type: none"> Met with DCA's Division of Investigation January 2023. Currently creating procedures to add to the manual. 	Q1 2023 and Ongoing	Pending
5.4	Explore and collaborate with industry booking platforms to require license verification to enhance consumer protection.		
Success Measure:	Met with at least one booking platform contact.		
Objectives/Tasks		Target Completion	CurrentStatus
5.4.1	Research which booking platforms for industry services exist.	Q1 2024	Pending
5.4.2	Determine contacts for booking platforms.	Q1 2024	Pending
5.4.3	Develop standardized language for contacting booking platforms.	Q1 2024	Pending
5.4.4	Attempt to hold meetings with booking platforms contact person.	Q1 2024	Pending
5.4.5	Present request for booking platforms to require license.	Q1 2024	Pending

5.5	Review probationary process and existing remedial education information to ensure remedial education procedure and communication is clear.		
Success Measure:	Report delivered to the Board.		
Objectives/Tasks		Target Completion	CurrentStatus
5.5.1	Review the remedial education procedures.	Q4 2023	Pending
5.5.2	Review the orientation materials for probationers including remedial education.	Q4 2023	Pending
5.5.3	Review probationary process.	Q4 2023	Pending
5.5.4	Develop and update to the Board.	Q1 2024	Pending
5.6	Develop remedial education material to assist in probationer compliance.		
Success Measure:	Recommendation made to the Board.		
Objectives/Tasks		Target Completion	CurrentStatus
5.6.1	Review existing remedial education requirements.	Q4 2023	Pending
5.6.2	Develop materials to present to the Board.	Q4 2023	Pending
5.6.3	Make recommendation to the Board on new remedial education program for probationers.	Q3 2023	Pending
Goal 6: Outreach			
6.1	Ensure outreach communication is at an accessible level to increase public understanding.		
Success Measure:	Outreach communication is updated.		
Objectives/Tasks		Target Completion	CurrentStatus
6.1.1	Review existing outreach communication.	Q1 2023	Pending
6.1.2	Determine what materials need to be updated.	Q1 2023	Pending
6.1.3	Use more inclusive language (pronouns, non-English, etc.).	Q1 2023	Pending
6.1.4	Present recommendations to the Outreach Committee.	Q2 2023	Pending

6.1.5	Implement changes identified.	Q2 2023	Pending
6.2	Explore different avenues for outreach and engagement to encourage self-development of licensees and awareness/engagement of the public.		
Success Measure:	Annual completion of tasks.		
Objectives/Tasks		Target Completion	CurrentStatus
6.2.1	Look to update/develop handouts and website information.	Q4 2022 and Ongoing	Completed Ongoing
6.2.2	Develop monthly email blasts.	Q4 2022 and Ongoing	Completed Ongoing
6.2.3	Post on social media.	Q4 2022 and Ongoing	Completed Ongoing
6.2.4	Hold town halls.	Q4 2022 and Ongoing	Completed Ongoing
6.2.5	Attend trade shows.	Q4 2022 and Ongoing	Completed Ongoing
6.2.6	Publish quarterly newsletter. <ul style="list-style-type: none"> • Issue 1 published October 2022. • Issue 2 published March 2023. • Issue 3 tentatively scheduled for June 2023. 	Q4 2022 and Ongoing	Completed Ongoing
6.3	Assess current engagement levels on Board’s website, newsletters, social media, mailers, etc. to better utilize resources and determine if they are reaching the proper audiences.		
Success Measure:	Engagement levels have been assessed.		
Objectives/Tasks		Target Completion	CurrentStatus
6.3.1	Pull website analytics, compare to previous year(s).	Q4 2022 and Ongoing	Completed Ongoing
6.3.2	Conduct more surveys/polls (about email, social media, website, mail).	Q1 2024 and Ongoing	Pending
6.3.3	Ask for feedback/conduct a feedback survey.	Q1 2024 and Ongoing	Pending
6.3.4	Explore analytics from social media sites (Facebook, Instagram).	Q1 2024 and Ongoing	Pending

6.4	Solicit feedback from licensees on a more continuous basis to engage with licensees.		
Success Measure:	Feedback has been received; increased survey responses.		
Objectives/Tasks		Target Completion	CurrentStatus
6.4.1	Continue sending postcard surveys after inspections done and re-examine questions. • Reviewing and updating the postcard survey questions.	Q1 2023 and Ongoing	Pending
6.4.2	Determine if there is a QR code to issue after complaint closed.	Q1 2023 and Ongoing	Pending
6.4.3	Identify topics of interest. • Exploring the possibility of creating a SurveyMonkey link for the public to complete after their interactions with the Board by email, automated phone survey and sending surveys by mail or posting a survey link to the website.	Q2 2023 and Ongoing	Pending
6.4.4	Explore adding a survey QR code to email signatures.	Q1 2024 and Ongoing	Pending
6.4.5	Explore offering a rating of how phone calls went (CIC or Admin).	Q1 2024 and Ongoing	Pending
6.4.6	Request feedback about program area effectiveness.	Q1 2024 and Ongoing	Pending
6.4.7	Conduct surveys/polls by all formats	Q1 2024 and Ongoing	Pending
6.4.8	Conduct a post-town hall survey on the topic addressed, desire for future events.	Q1 2024 and Ongoing	Pending
6.5	Encourage the public to participate in online Board activities to inform, educate, and collaborate.		
Success Measure:	Increased public participation in online Board activities		
Objectives/Tasks		Target Completion	CurrentStatus
6.5.1	Reach out to schools about upcoming events. • Schools notified of upcoming board meetings by email.	Q4 2022 and Ongoing	Completed Ongoing
6.5.2	Distribute board meeting reminders by email, flyers, mail, etc. • Post on social media about upcoming board meetings.	Q4 2022 and Ongoing	Completed Ongoing
6.5.3	Distribute town hall reminders by email, flyers, mail, etc.	Q4 2023 and Ongoing	Pending
6.5.4	In career outreach activities, include information about other board events.	Q4 2023 and Ongoing	Pending

6.5.5	Add info to the call tree options.	Q4 2023 and Ongoing	Pending
	<ul style="list-style-type: none"> Reviewing phone tree to see where information can be clarified and added. 		
6.5.6	Explore more non-industry consumer events (state fairs, etc.).	Q4 2023 and Ongoing	Completed
	<ul style="list-style-type: none"> The State Fair does not offer complimentary booths. The Bridal Showcase at Cal Expo will no longer be held. The International Wedding Festival does not want the Board at their event. Staff will continue to research other consumer events. 		
6.6	Provide information at high schools, occupational schools, and public outreach events on the industry and how to become licensed to increase licensed activity and engage with potential licensees.		
Success Measure:	Completion of events and increased applications for licensure.		
Objectives/Tasks		Target Completion	Current Status
6.6.1	Post information on social media.	Q4 2022 and Ongoing	Completed Ongoing
6.6.2	Include schools in email blasts	Q1 2023	Completed
	<ul style="list-style-type: none"> Start including schools in email blasts to licensees and interested parties. 		
6.6.3	Ask schools to post info internally (website, bulletin boards, etc.).	Q4 2023 and Ongoing	Completed
	<ul style="list-style-type: none"> What to Know Before Choosing a Barber and Cosmetology School pamphlets emailed and mailed to multiple high school districts. Information shared at school outreach events for them to post and distribute to students. 		
6.6.4	Hold more outreach events at approved industry schools.	Q4 2023 and Ongoing	Pending
6.6.5	Identify contacts at high schools, occupational schools.	Q1 2024	Completed
	<ul style="list-style-type: none"> Contacts identified and contacted. 		
6.6.6	Identify venues (bridal shows, state fairs, etc.) to attend.	Q1 2024	Completed
	<ul style="list-style-type: none"> The State Fair does not offer complimentary booths. The Bridal Showcase at Cal Expo will no longer be held. The International Wedding Festival does not want the Board at their event. Staff will continue to research other consumer events. 		
6.6.7	Hold more outreach events at high schools, occupational schools, county job fairs, etc.	Q3 2024	Pending
	<ul style="list-style-type: none"> Outreach event on March 22, 2023, at two high schools in the Stockton Unified School District. Outreach event on March 30, 2023, at Highlands High School Career Day. Staff will research opportunities with county job fairs and other events. 		

6.7	Explore within the outreach committee to create Board-specific outreach/media to expand access of information to the public and licensees.		
Success Measure:	Outreach plan has been developed and implemented.		
Objectives/Tasks		Target Completion	CurrentStatus
6.7.1	Ask committee to provide more specific direction on which concerns to prioritize to raise awareness.	Q2 2023	Completed
	<ul style="list-style-type: none"> • Discussed at 3/13 Education and Outreach Committee meeting. • Will promote scope of practice, how to become licensed, how to stay in compliance. 		
6.7.2	Request additional topic to parallel Safe Sandal Season.	Q2 2023	Completed
	<ul style="list-style-type: none"> • Discussed at 3/13 Education and Outreach Committee meeting. • Will promote scope of practice, how to become licensed, how to stay in compliance. 		
6.7.3	Develop an outreach plan based on Committee input.	Q4 2023	Pending
6.7.4	Re-evaluate outreach plan annually.	Q1 2025 and Ongoing	Pending

NCA	National Cosmetology Association
NIC	National Interstate Council of State Boards and Cosmetology
PBFC	Professional Beauty Federation of California

Titles:

AG	Attorney General
ALJ	Administrative Law Judge
DA	District Attorney
DAG	Deputy Attorney General
EO	Executive Officer

LICENSE TYPES AND SCOPES

Barbers are licensed to shave and trim the beard, cut hair, give facial and scalp massages, shampoo hair, chemically wave or relax hair, dye hair, style hair, and apply cosmetic preparations to the scalp, face, or neck.

Cosmetologists are licensed to provide hair, skin, and nail care. They can provide the same services as hairstylists, estheticians, and manicurists, in addition to chemical hair services such as permanent waving, relaxing, bleaching, dyeing, coloring or hair.

Hairstylists are licensed to arrange, blow dry, shampoo, cut, style, curl, or nonchemically straighten hair. They cannot use chemicals which alter the hair structure (such as bleach, dye, perm solutions, etc.). This new license type was added by statute in 2022.

Estheticians are licensed to provide skin care. This includes providing facials, massaging and cleansing the face, scalp, neck, hands, arms, feet, legs, or upper part of the human body. Estheticians may also tint and perm eyelashes/brows, provide eyelash extensions, and remove hair by tweezers, waxing, or other depilatory products. They cannot provide medical services.

Manicurists are licensed to provide nail care. This includes trimming, polishing, manicuring, pedicuring the nails, and massaging/cleansing from the elbow to the fingertips or from the knees to the toes of any person. They cannot cut/shave calluses or treat ingrown toenails.

Electrologists provide electrolysis, which is the practice of removing/destroying hair on the human body by the use of an electric needle. Only electrologists may provide electrolysis.

Establishments are the locations in which board services are provided (e.g., barbershops, beauty salons, nail salons, spas).

Apprentices are barbering, cosmetology, or electrology trainees that earn a wage while working under the supervision of a trainer in an establishment.

Mobile Units are establishments on wheels (e.g., trailer, bus, motorhome) which travel to consumers to provide barbering or cosmetology services inside the mobile unit.

A **Personal Service Permit** allows a barber, cosmetologist, manicurist, or esthetician to provide limited services outside of an establishment (such as at a hotel or a consumer's home) if they meet certain requirements.

BOARD MEMBER PARTICIPATION

(Board Policy Adopted July 24, 2006)

The Board President may ascertain from members whose level of participation is below standard and whether the member is no longer able to continue serving as an active member of the Board. In such a case, the President may suggest that the member resign. If such resignation is not forthcoming within a reasonable time, the Board, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the Board their arguments against the resolution prior to such a resolution being adopted by the Board. A 50% or greater absence rate shall constitute below-standard participation.

QUORUM

Seven members of the Board constitutes a quorum of the Board. When a quorum of the Board is not present, Board members may discuss noticed agenda items of business but may not take any action. A majority of the quorum shall constitute a majority of the entire Board.

AGENDA ITEMS

(Board Policy-Adopted July 24, 2006)

Any Board member may submit items for a Board meeting agenda to the Executive Officer 20 days prior to the meeting. The Board meeting agenda will be provided to all Board members 10 days prior to the meeting and the agenda packet will be provided no later than 7 days prior to the meeting.

The Board President, Board members, or Executive Officer may not alter or prevent agenda items from being added to the agenda by another Board member.

RECORD OF MEETINGS

(Board Policy-Adopted July 24, 2006)

Board meeting minutes are a summary and not a transcript. Minutes are prepared for every Board meeting. The minutes and assignments of Board directives shall be prepared by Board staff. Board minutes shall be approved at the next scheduled Board meeting and serve as the official record of the meeting. Approved minutes of the open session are available for distribution to the public and shall be posted on the Board's website within 30 days following Board approval.

DIVERSITY, EQUITY, AND INCLUSION

(Board Policy-Adopted April 17, 2023)

The Board supports the efforts of the Diversity, Equity, and Inclusion Steering Committee at the Department of Consumer Affairs and commits to fostering inclusive engagement in its policy decisions, and promoting diversity, equity, and inclusion in the Board's publications and procedures.

Board Committees

CAPACITY

(Board Policy-Adopted July 24, 2006)

Committees are advisory and recommend actions to the Board. Recommendations and reports shall be submitted to the Board for consideration and approval.

STANDING COMMITTEE APPOINTMENTS

(Board Policy-Adopted July 24, 2006)

The Board President shall appoint, subject to approval of a majority of the Board, the members to fill positions of each standing committee. Members may volunteer to serve on a specific committee. Terms for all standing committees shall be 1 year and shall begin with the election of a new Board President. Committee member assignments shall take place immediately following the election of the Board President. The assignment of committee members may take place immediately following the election of the Board President, if duly noted on the Board meeting agenda, or may take place at the next scheduled Board meeting.

The establishment of all committees shall be included as an item of business, which must be included in a written agenda and transacted at a public meeting. The Board President, or any member of the Board, may not appoint or remove any committee members unless so acted upon at an open meeting and voted on by the majority of the Board.

STANDING COMMITTEES

(Board Policy-Adopted April 17, 2023)

The Board has **seven** standing committees:

- Disciplinary Review Committee
- Education and Outreach Committee
- Enforcement and Inspections Committee
- Health and Safety Advisory Committee
- Legislative and Budget Committee
- Licensing and Examination Committee
- **Diversity, Equity, and Inclusion Committee**

Internal organization of each committee is at its discretion except as specified in this manual.

DISCIPLINARY REVIEW COMMITTEE

(CCR section 974.1)

The purpose of the Disciplinary Review Committee is to conduct informal administrative citation review hearings and renders decisions regarding disputed citations. The committee has authority to affirm, modify or dismiss the citations including any fine amounts. The Board President shall annually appoint members of the committee; the appointments will be made

concurrently with the annual election of officers. The Board President shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee. The Board may find a need to have an alternate member for the convenience of those members who cannot attend.

EDUCATION AND OUTREACH COMMITTEE

(Board Policy-Adopted July 24, 2006)

The purpose of the Education and Outreach Committee is to provide recommendations to the Board on the development of informational brochures and other publications, planning of outreach events for consumers and licensees, preparing articles for submission in trade magazines and attending trade shows.

ENFORCEMENT AND INSPECTIONS COMMITTEE

(Board Policy-Adopted July 24, 2006)

The purpose of the Enforcement and Inspections Committee is to advise the Board on policy matters that relate to protecting the health and safety of consumers. This includes recommendations on how inspections are conducted, the types of violations issued, maintenance of disciplinary guidelines, and other recommendations on the enforcement of the Board's statutes and regulations.

HEALTH AND SAFETY ADVISORY COMMITTEE

(B&P 7314.3)

The purpose of the Health and Safety Advisory Committee is to provide the Board with advice and recommendations on health and safety issues, as well as ensuring licensees are aware of basic labor laws.

LEGISLATIVE AND BUDGET COMMITTEE

(Board Policy-Adopted April 17, 2023)

The purpose of the Legislative and Budget Committee is to review and track pending legislation that affects the Board. The committee shall make recommendations on what position the Board should take on pending legislation that could potentially affect the operation of the Board, the health and safety of consumers and the Board's licensees. In addition, the committee provides information and recommendations to the Board on potential policy matters relating to the budget.

LICENSING AND EXAMINATION COMMITTEE

(Board Policy-Adopted July 24, 2006)

The purpose of the Licensing and Examination Committee is to advise the Board on policy matters relating to the examining and licensing of individuals who want to practice barbering and cosmetology in California. The committee may also provide information and

recommendations to the Board on issues relating to curriculum and school approval, exam appeals, laws and regulations.

DIVERSITY, EQUITY, AND INCLUSION

(Board Policy-Adopted April 17, 2023)

The purpose of the Diversity, Equity, and Inclusion Committee is to provide the Board with recommendations on ways to strengthen policies, enhance training, and provide opportunities for employee engagement.

AD HOC COMMITTEES

(Board Policy-Adopted July 24, 2006)

The Board may establish ad hoc committees as needed. The establishment of an ad hoc committee must be included in a written agenda and transacted at a public meeting in which a quorum of the board is present and consent is obtained by the majority of the Board.

TASK FORCES AND WORKING GROUPS

(Board Policy-Adopted July 24, 2006)

Any Board member may request, subject to approval of the full Board, that a task force/working group be established. The task force/working group will be charged with an in-depth review of a specific issue and a final recommendation to the full Board.

In an urgent situation (i.e. examination appeal) the Board President may make a recommendation on members of a two-person committee without approval of the full Board.

COMMITTEE AGENDAS

(Board Policy-Adopted July 24, 2006)

Agendas shall focus on the specific tasks assigned by the Board and include:

- Public Comment
- Time for committee members to recommend new areas of study to be brought to the Board's attention for possible assignment.
- Only those information items dealing with subjects assigned to the respective committee.

Committee chairs shall confer with the Board President prior to including any agenda item that is not clearly within that committee's assigned purview.

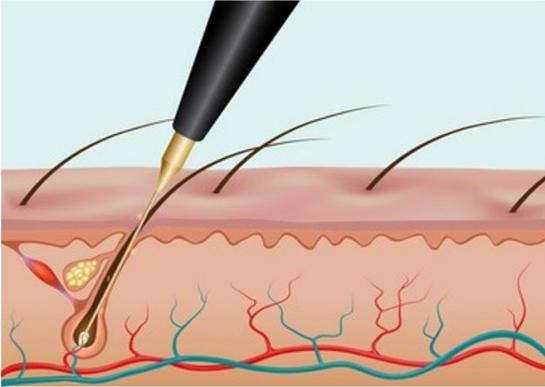
If more than two Board members will be in attendance at a Committee meeting, the agenda shall contain the statement: "Notice of Board meeting indicates that three or more members of the Board are present. While the law requires the Board to notice this also as a Board meeting, it is not the intent to take action as a Board at this meeting."



REPORT TO THE BOARD ON THE ELECTROLOGY SCOPE OF PRACTICE

What is Electrology

Electrology is permanent hair removal. The licensed electrologist inserts a thin wire into the hair follicle under the surface of the skin, which then an electric current moves down the wire to the bottom of the follicle and destroys the hair root.



Modalities

There are three types of modalities that may be used in Electrology: Galvanic, Thermolysis and Blend.

Galvanic

Direct current (DC) is also known as "true electrolysis." This is a chemical method that utilizes a direct current to convert normal body salt and water in the follicle into a sodium hydroxide or lye, which is a compound capable of destroying the dermal papilla and hair germ cells to achieve permanence. The chemical is produced only in the follicle and does not affect any other area. One probe or several probes working simultaneously can be used during this process.

Thermolysis

Alternating current (AC), sometimes referred to as "high frequency" or "short-wave," is a method that uses a high frequency current to produce heat in the area influenced by the current. This heat cauterizes and destroys the dermal papilla. One sterile probe is used for this type of process. Two variations of thermolysis are "Flash" (or "Automatic") Thermolysis which uses a split-second impulse of current at a higher intensity and "Manual" Thermolysis which requires several seconds at a lower intensity to achieve permanence.

Blend

The Blend method combines both currents together (sequentially or simultaneously) in the same probe. Thermolysis enhances the action of the galvanic method to produce a faster process. The best method will be selected based on a client's hair type, skin characteristics and sensitivity.

Service

The amount of electrology treatments an individual may need depends on several factors, such as: location of hair on the body, is the client consistent with their appointments, have they stopped tweezing/waxing, is their hair problem medically related etc. Therefore, the number of treatments can vary from a few months up to a couple of years. Electrology can be a lengthy process because the service is performed on each individual hair follicle in the area that is being treated. Individuals can receive treatments weekly, biweekly, or monthly depending on which method is best for the client's needs.

Scope of Practice

Business and Professions Code section 7316 established the scope of practice for Electrology, which states in part:

(g) (1) Electrolysis is the practice of removing hair from, or destroying hair on, the human body by the use of an electric needle only.

(2) "Electrolysis" as used in this chapter includes electrolysis or thermolysis.

Requirements for Licensure

- 12th Grade Education
- Completion of a 600 Hour Course
- Passing the Written Examination

Current Licensees

The Board currently has 1,570 active Electrology licensees.

Electrology and the Transgender Community

In 2022, Governor Newsom signed into law SB 107 (authored by Senator Scott Wiener) to provide refuge to trans kids and their families. This made California the first sanctuary state for transgender youth. According to an article published in the New York Times, around 1.4% & 1.3% of young people aged 13 to 17 and 18 to 24, respectively, are transgender in the U.S., accounting for only 0.5% of total adults - and this number is expected to rise.

Individuals wishing to pursue gender affirmation surgery must first begin the process of electrolysis. However, some health care facilities have started individuals with laser hair removal prior to electrolysis. This has resulted in several health care facilities seeking out the services of licensed electrologists. In general, the Transgender community is more likely (though not exclusively) to seek the services of electrolysis.

The increased need of electrology services will also increase the risk to consumers and may increase the risks to the transgender community who may not feel comfortable filing a formal complaint with the Board. The Board should consider this in outreach efforts for this vulnerable community to ensure that we are available and ready to help should any harm occur.

Additionally, other individuals who seek out electrology are people who have polycystic ovarian syndrome (PCOS) as one of the main side effects is hirsutism (excessive hair growth) on the face and body. People who are preparing for skin graft surgery which may result in unwanted hair growth. People who are certain medications that have hirsutism as a side effect.

Types of Harm

If electrolysis is not performed correctly there is a risk of:

- Infection
- Permanent scarring
- Changing in skin color

Future of the Profession

As the need for electrology service grows, it is anticipated that the number of licensees will also grow. The Board should increase its outreach to both consumers and licensees to ensure that this service is performed safely.



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MEMORANDUM

DATE April 17, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Steve Weeks, Committee Chairperson

SUBJECT: March 13, 2023, Licensing and Examination Committee Meeting Update

The Licensing and Examination Committee (Committee) reviewed and discussed the exam pass rates (Attachment 1). Board staff have been holding regular meetings with the Bureau for Private Postsecondary Education and will continue to discuss historically low passing schools and how we can address schools that are accredited but have low passing rates.

The Committee will continue to discuss the exam pass rates at the next meeting.



MEMORANDUM

DATE March 13, 2023

TO: Members, Licensing and Examinations Committee

FROM: Kristy Underwood, Executive Officer

SUBJECT: Review and Discussion of the Exam Pass Rates

Examinations

The Board's exam passing scores are continuing to increase since the implementation of the new exam, however, the esthetician exam scores dropped by 1% from 67% to 66% this quarter and the electrology exam which dropped by 7% from 64% to 57%.

Barber	Passed	Failed	Total	Q3 Pass Rate* Jan - March 2023	Q2 Pass Rate Oct - Dec 2022	Q1 Pass Rate July - Sept 2022
English	359	619	978	37%	36%	26%
Korean	--	1	1	NA	N/A	N/A
Spanish	24	101	125	19%	8%	9%
Vietnamese	2	11	13	15%	20%	20%
Total	385	732	1,117	35%	32%	24%

Cosmo	Passed	Failed	Total	Q3 Pass Rate* Jan - March 2023	Q2 Pass Rate Oct - Dec 2022	Q1 Pass Rate July - Sept 2022
English	889	781	1,670	53%	54%	50%
Korean	4	10	14	29%	19%	7%
Spanish	48	331	379	13%	13%	12%
Vietnamese	42	76	118	36%	17%	18%
Total	983	1,198	2,181	45%	43%	40%

Esthetician	Passed	Failed	Total	Q3 Pass Rate* Jan - March 2023	Q2 Pass Rate Oct - Dec 2022	Q1 Pass Rate July - Sept 2022
English	1,123	526	1,649	68%	70%	67%
Korean	9	5	14	64%	67%	50%
Spanish	13	8	21	62%	38%	56%
Vietnamese	37	68	105	35%	31%	24%
Total	1,182	607	1,789	66%	67%	64%

Manicurist	Passed	Failed	Total	Q3 Pass Rate*	Q2 Pass Rate	Q1 Pass Rate
English	394	170	564	70%	69%	69%
Korean	6	5	11	55%	11%	20%
Spanish	18	23	41	44%	39%	25%
Vietnamese	260	337	597	44%	40%	28%
Total	678	535	1,213	56%	53%	52%

Electrologist	Passed	Failed	Total	Q3 Pass Rate*	Q2 Pass Rate	Q1 Pass Rate
English	12	9	21	57%	64%	78%
Korean	NA	NA	NA	NA	N/A	N/A
Spanish	NA	NA	NA	NA	N/A	N/A
Vietnamese	NA	NA	NA	NA	N/A	N/A
Total	12	9	21	57%	64%	78%

* Data for January and February 2023.



MEMORANDUM

DATE April 17, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Tonya Fairley, Committee Chairperson

SUBJECT: March 13, 2023, Education and Outreach Committee Meeting Update

At the January 23, 2023, board meeting, the Board of Barbering and Cosmetology (Board) decided to move forward with sending text messages to licensees by scope of practice.

The Education and Outreach Committee (Committee) reviewed the costs of text messaging further at the March 13, 2023, Committee meeting (Attachment 1).

The Committee recommends to the full Board to direct staff to postpone pursuing a text messaging program until the Board's fee study is completed, so the budget can be accessed before making a costly decision on this outreach expenditure.

The Committee made recommendations on outreach opportunities and priorities (Attachment 2). Some ideas included:

- Live WebEx Town Hall events
 - Review of top 10 violations
 - Share "Did You Know" reminders for licensees
- Facebook Live events
- Send ListServ email blasts to targeted licensees
- Create Instagram Reels
 - Scope of practice
 - Explain different license types
- Create press releases with the Department of Consumer Affairs and send them to media outlets (including Chinese and Spanish media)
 - Promote Simplified Chinese exam
- Notify legislators about townhall events so they can share with their constituents

The Committee reviewed updates made to the Board website to be more user-friendly (Attachment 3).

The next committee meeting will review staff's progress in outreach efforts.



MEMORANDUM

DATE March 13, 2023

TO: Members, Education and Outreach Committee

FROM: Kristy Underwood, Executive Officer

SUBJECT: Discussion and Recommendations of Text Messaging Content by Licensee
Scope of Practice

At the January 23, 2023, board meeting, the Board decided to move forward with sending text messages to licensees by scope of practice. The Board sent a survey to licensees and allowed two weeks for response. The findings are summarized below.

- 11,488 licensees completed the survey
 - 57.75% Cosmetologists
 - 24.52% Estheticians
 - 9.96% Manicurists
 - 5.69% Barbers
 - 1.63% Establishment Owners
 - 0.45% Electrologists
- 89.64% answered Yes, they would be interested in receiving text messages from the Board.
- 78.90% answered Yes, text messages are needed.
- 49.80% answered they would want to receive text messages once a month.
- 86.52% answered No, they do not already follow the Board on Facebook, Instagram, and/or Twitter.

Costs:

Board staff contacted vendors to obtain costs associated with the texting program. Listed below are the costs that the Board would incur:

The cost breakdown for one year if we consider half of the licensee population would opt into receiving text messages once a month is as follows:

Population	Rate	Contract Term	Total Amount
300,000 licensees	\$0.040/per text	12 months	\$144,000.00

The cost breakdown for one year if we consider 57.75% of the cosmetologist population would opt into receiving text messages once a month is as follows:

Population	Rate	Contract Term	Total Amount
111,711 cosmetologists	\$0.040/per text	12 months	\$53,621.00

These costs are much more significant than originally thought and the funding for this project should be considered.

Currently, the Board pays approximately \$300 per fiscal year to the Department of Consumer Affairs pro rata to use ListServ, which is the system to send email blasts to the industry. There are no costs to maintain the Board's Instagram, Facebook, and Twitter accounts.

Discussion:

The Board is currently in the process of a fee study to determine if our licensing fees are appropriate. Staff recommends that any decision on moving forward with a texting program be postponed until this fee study is completed so we can get a clear picture of our budget before making a costly decision on text messaging. The Board has not been specifically allocated an expenditure for outreach.

In addition to delaying the texting program, staff recommends the committee continue to monitor the outreach that is currently being planned within our existing budget. This includes live Town Hall events, continued notifications via e-mail and improving the website.

Action: If the Committee wants to pursue text messaging given the costs above, the Committee shall make the recommendation to the Board on pursuing this program now that we have received the actual costs.



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MEMORANDUM

DATE March 13, 2023

TO: Members, Education and Outreach Committee

FROM: Kristy Underwood, Executive Officer

SUBJECT: Discussion and Recommendations of Outreach Opportunities and Priorities

The Board of Barbering and Cosmetology is always seeking new ways to expand access of information to the public and licensees.

Action: The Committee shall discuss and make specific recommendations to staff on topics to highlight in outreach (e.g. the complaint process, the Board's purview, unlicensed activity, scope of practice, health and safety reminders, etc.) and how to distribute the information (e.g. video, pamphlet, flyer, social media post, townhall, etc.).



MEMORANDUM

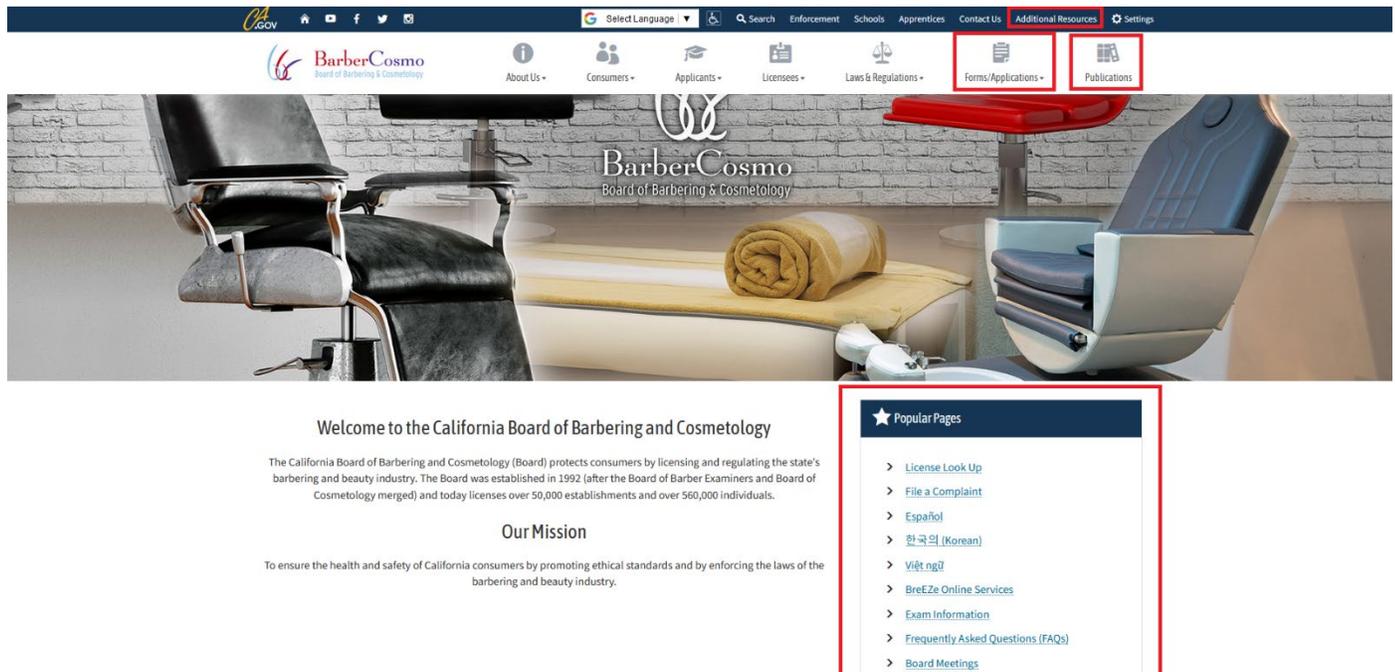
DATE: March 13, 2023
 TO: Members, Education and Outreach Committee
 FROM: Kristy Underwood, Executive Officer
 SUBJECT: Review and Discussion of Board Website Changes for Consumers

On February 9, 2023, the Board’s website formatting changes went live.

There is now a new “Popular Pages” box on the right-hand side of the homepage, which also appears when you click the main items on the navigation menu (About Us, Consumers, Applicants, Licensees, Laws & Regulations, Forms/Applications, and Publications).

There is a new Additional Resources page and Publications page (separate from the Forms/Applications page).

These changes were implemented so key information is at the top of the screen, so it is easier to find.





MEMORANDUM

DATE April 17, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Danielle Munoz, Committee Chairperson

SUBJECT: March 13, 2023, Enforcement and Inspections Committee Meeting Update

The Enforcement and Inspections Committee (Committee) reviewed and discussed the current inspection process for suite owners (Attachment 1).

The Committee discussed what the Board is currently doing to address unlicensed individuals working outside of establishments (Attachment 2). The Board is working with the Department of Consumer Affairs' sworn peace officers in the Division of Investigation (DOI). DOI provided pointers to enforcement desk analysts and are helping staff identify whether these individuals working at home are licensed, so they can be disciplined.

The Committee recommended staff to launch a new social media campaign to explain to unlicensed individuals how to become licensed and also explain to consumers why going to licensees is important for their health and safety.

Board staff will also post on social media to spread awareness of the Board's enforcement unit so licensees understand that enforcement staff may contact them if they are advertising unlicensed activity and/or the Board receives a complaint.

The next committee meeting will include an update on the new social media posts.



MEMORANDUM

DATE March 13, 2023

TO: Members, Enforcement and Inspections Committee

FROM: Kristy Underwood, Executive Officer

SUBJECT: Review and Discussion of Current Inspection Process for Suite Owners

This memo is to provide an overview of the inspection process for salon/suite settings hereafter referred to as establishment suites.

Establishment Suites

Establishment suites are multiple individual businesses that are located at the same address but are differentiated by suite numbers. For example, one large building may have up to fifty suites and each of those suites are separately licensed establishments. These suites often have a single main entrance with a directory as to where each business is located inside the building.

Inspection Process

Prior to the COVID-19 pandemic the inspection process for establishment suites was the same as it is for traditional establishments. An inspector would either be directed to a specific establishment suite or be conducting a routine inspection and as they were within the building they would try to inspect as many open businesses as possible. However, during the pandemic many of these businesses changed their policy and began locking the main door. Consumers would then contact their individual licensee by telephone to be let into the building. As establishments began re-opening, the establishment suites maintained their locked door policy citing that it was a more secure environment for the individual license holders.

Unfortunately, the locked main door prevents an inspector from entering the building unless the door is opened for them. Inspectors are usually able to gain access when the door is opened by a licensee to let in a consumer. Often an inspector may have to wait at the door for someone to exit the building so that they are able to enter. Inspectors have also been able to call a licensee to let them in.

At this time, while the process is not ideal, inspectors are able to gain access and conduct inspections of establishment suites that are open.



MEMORANDUM

DATE March 13, 2023

TO: Members, Enforcement and Inspections Committee

FROM: Nicole Quinn, Enforcement Chief

SUBJECT: Discussion and Possible Recommendation Regarding Plan to Address Unlicensed Individuals Working Outside of Establishments

Background

The Board of Barbering and Cosmetology (Board) Enforcement Unit has seen an increase over the last five years in complaints alleging Board services are being provided by unlicensed individuals out of their homes and/or advertising these services on Instagram. During the pandemic, establishments were closed, forced to provide services outside, or only allowed to provide minimal services. As a result, the number of complaints regarding services being provided in homes and advertised on Instagram increased.

Complaints Received with Allegations of Services Being Provided Outside a Licensed Establishment						
	2018	2019	2020	2021	2022	Grand Total
Home Salons	75	106	246	322	378	1127
Instagram*	0	0	0	59	60	119

*Instagram was not noted on complaints until 2021.

Issues

The Enforcement Unit continues to see an increase in the number of complaints received and the Enforcement analysts are taking steps to address the complaints. However, many of the Instagram complaints do not contain the address where services are being provided and attempts to contact the respondent via Instagram go unanswered. When the analysts have the address where services are being provided, they are sending unlicensed establishment letters and contacting local code enforcement agencies to determine if the location is licensed to provide services. Complaints are opened with local code enforcement agencies if the location is not licensed. If the local ordinances do not require a license to provide Board regulated services the analyst requests a Board inspection. Most often, when Board inspectors visit homes, the result is that the door is not answered, so we are unable to verify if Board-regulated services are being provided in the home.

Recommendations

On February 8, 2023, Board Enforcement Managers met with the Division of Investigation (DOI), to discuss home salons and Instagram complaints. DOI has agreed to assist the Board with the home salon and Instagram complaints. By utilizing their various law enforcement databases, they may be able to obtain additional information, such as complete names, addresses, telephone numbers, and/or property owner information. DOI also offered to send letters to respondents who are not complying with Board laws, suggesting that a letter coming from law enforcement may be taken more seriously. The Board can also request that DOI conduct undercover surveillance at locations where Board services are allegedly being provided.

Future Actions

The Enforcement Analysts will provide the Enforcement Manager with the information they have for the respondent. The Enforcement Manager will send information to DOI via a spreadsheet and DOI will conduct their research and return the spreadsheet with their findings. The analysts will then utilize the information provided by DOI and attempt to contact the individual. The analysts can use property owner information to contact homeowners and apartment complex owners to obtain additional information about the respondent or notify the owners that Board laws are not being complied with. The analyst can also request an inspection be conducted and contact local code enforcement agencies if DOI provided addresses where advertised Instagram services are being provided. The Board is appreciative for this collaboration with DOI and is confident that their resources will help the Enforcement analysts process these types of complaints. We believe this will be a successful collaboration to address home salons and Instagram complaints.



MEMORANDUM

DATE April 17, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Reese Isbell, Committee Chairperson

SUBJECT: February 13, 2023, March 13, 2023, and April 10, 2023, Legislative and Budget Committee Meeting Update and Discussion and Possible Action on Proposed Bills

The Legislative and Budgets Committee (Committee) met on February 13, March 13, and April 10, 2023.

February 13, 2023

The Committee reviewed the 2023 committee calendar, which has the committee meeting on a monthly schedule. The Committee also reviewed a report of the 2022 legislative activities.

The Committee discussed its purview as written in the Board Member Guidelines and Procedure Manual. Committee members believed the language could be clarified of whether the Committee can only make recommendations on existing bills. Committee members moved to add “pending” before “legislation” in the purview and bring this language to the full Board for approval (Agenda Item 7 of this Board Meeting).

March 13, 2023

The Committee reviewed the Board’s current budget, which remains healthy with significant months in reserve. The Committee discussed the status of the fee study, which is still in process. The Board’s budget analyst retired, so management is plugging in processing times for each step of processing applications to calculate the costs by volume and establish the fees. It is expected to be completed in a few months.

The Committee received an update on proposed bills. SB 384 (Bradford) and AB 1328 (Gipson) are expected to be spot bills, but the language was not in print yet at the time of the meeting. The Committee motioned to recommend a Support position for SB 451 (Nguyen) which would make manicurists exempt from the “ABC” test indefinitely.

April 10, 2023

The Committee discussed legislation that impacts the Board and/or industry and made the following position recommendations to the full Board. The bill analyses and text are attached.

Bill	Topic	Committee's Recommendation
AB 1328 (Gipson)	Cosmetology Licensure Compact	Support and authorize the Executive Officer to propose technical, non-substantive changes to the language.
SB 247 (Wilk)	Alcoholic beverages: licensing exemptions: barbering and cosmetology services	Support
SB 384 (Bradford)	Barbering and Cosmetology	Support
SB 451 (Nguyen)	Worker classification: employees and independent contractors: licensed manicurists	Support
SB 544 (Laird)	Bagley-Keene Open Meeting Act: teleconferencing	Support
SB 817 (Roth)	Barbering and cosmetology: application, examination, and licensing fees	Support

Action Required: the Board may discuss and make a motion to take a position on each bill.

Position options:

- Watch
- Support
- Support if amended
- Neutral
- Neutral if amended
- Oppose
- Oppose unless amended



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Gipson

Subject: Cosmetology Licensure Compact

Bill Number: AB 1328

Version: March 23, 2023

Existing Law:

Existing law, the Barbering and Cosmetology Act, establishes in the Department of Consumer Affairs the State Board of Barbering and Cosmetology to license and regulate the practice of cosmetology. A violation of the act is a misdemeanor, unless otherwise provided. Existing law requires the board to grant a license to an applicant who holds a current license to practice issued by another state that is not revoked, suspended, or otherwise restricted and is in good standing, upon submission of a completed application form and fees.

This Bill:

This bill would enact the Cosmetology Licensure Compact, the purpose of which is to facilitate the interstate practice and regulation of cosmetology. The compact would require the board to grant a multistate license to practice cosmetology to an applicant who meets specified eligibility requirements, including holding an active and unencumbered license to practice cosmetology issued by the board in this state. The compact would require the state to recognize a multistate license issued by each member state as authorizing the licensee to practice cosmetology in this state. The compact would require the board to select a delegate to serve on the Cosmetology Licensure Compact Commission, a joint governmental agency consisting of all member states that have enacted the compact, and would enact specified provisions relating to the establishment, operation, powers, and duties of the commission. The compact would specify procedures for the adoption of rules by the commission for purposes of implementing and administering the compact and would state that the rules of the commission shall have the force of law, except as specified. The compact would require the board to take specified actions relating to the administration and enforcement of the compact, including receiving complaints about individuals practicing cosmetology and communicating investigative information about any adverse action to the other member states through a data system, as specified. The compact would authorize the board to charge a fee to grant a multistate license or for the renewal of a multistate license. The bill would authorize the commission to levy and collect an annual assessment from the state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of operations and activities of the commission. Because the bill would expand the scope of a crime under the act to holders of multistate licenses practicing in this state, the bill would impose a state-mandated local program.

Status: 03/27/2023 Re-referred to Committee on Business and Professions.

Analysis:

At the January 23, 2023, the Board voiced support of joining the inter-state compact and motioned to move forward with a legislative proposal. The compact will allow licensees to work in other states in the compact while also giving the Board access to enforcement information through a shared database and grant the Board the authority to participate in joint investigations with other states.

Committee Position Recommendation: Support and authorize the Executive Officer to propose technical, non-substantive changes to the language.

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1328

Introduced by Assembly Member Gipson

February 16, 2023

~~An act relating to business and professions. An act to add Article 14 (commencing with Section 7430) to Chapter 10 of Division 3 of the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1328, as amended, Gipson. ~~Barbering and cosmetology: interstate cosmetology licensure compact. Cosmetology Licensure Compact.~~

Existing law, the Barbering and Cosmetology Act, establishes in the Department of Consumer Affairs the State Board of Barbering and Cosmetology to license and regulate the practice of cosmetology. A violation of the act is a misdemeanor, unless otherwise provided. Existing law requires the board to grant a license to an applicant who holds a current license to practice issued by another state that is not revoked, suspended, or otherwise restricted and is in good standing, upon submission of a completed application form and fees.

This bill would enact the Cosmetology Licensure Compact, the purpose of which is to facilitate the interstate practice and regulation of cosmetology. The compact would require the board to grant a multistate license to practice cosmetology to an applicant who meets specified eligibility requirements, including holding an active and unencumbered license to practice cosmetology issued by the board in this state. The compact would require the state to recognize a multistate license issued by each member state as authorizing the licensee to practice cosmetology in this state. The compact would require the board

to select a delegate to serve on the Cosmetology Licensure Compact Commission, a joint governmental agency consisting of all member states that have enacted the compact, and would enact specified provisions relating to the establishment, operation, powers, and duties of the commission. The compact would specify procedures for the adoption of rules by the commission for purposes of implementing and administering the compact and would state that the rules of the commission shall have the force of law, except as specified. The compact would require the board to take specified actions relating to the administration and enforcement of the compact, including receiving complaints about individuals practicing cosmetology and communicating investigative information about any adverse action to the other member states through a data system, as specified. The compact would authorize the board to charge a fee to grant a multistate license or for the renewal of a multistate license. The bill would authorize the commission to levy and collect an annual assessment from the state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of operations and activities of the commission. Because the bill would expand the scope of a crime under the act to holders of multistate licenses practicing in this state, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology in the Department of Consumer Affairs to license and regulate barbers and cosmetologists. Existing law requires the board to grant a license to practice to an applicant who holds a current license to practice issued by another state that is not revoked, suspended, or otherwise restricted and is in good standing, upon submission of a completed application form and fees.~~

~~This bill would state the intent of the Legislature to enact legislation that would facilitate membership in an interstate cosmetology licensure compact.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 14 (commencing with Section 7430) is
2 added to Chapter 10 of Division 3 of the Business and Professions
3 Code, to read:

4
5 Article 14. Cosmetology Licensure Compact
6

7 7430. (a) The Legislature hereby enacts the Cosmetology
8 Licensure Compact as set forth in Section 7431.

9 (b) The State Board of Barbering and Cosmetology is designated
10 as the state licensing authority for purposes of the compact.

11 7431. ARTICLE 1- PURPOSE

12 *The purpose of this Compact is to facilitate the interstate practice*
13 *and regulation of Cosmetology with the goal of improving public*
14 *access to, and the safety of, Cosmetology Services and reducing*
15 *unnecessary burdens related to Cosmetology licensure. Through*
16 *this Compact, the Member States seek to establish a regulatory*
17 *framework which provides for a new multistate licensing program.*
18 *Through this new licensing program, the Member States seek to*
19 *provide increased value and mobility to licensed Cosmetologists*
20 *in the Member States, while ensuring the provision of safe,*
21 *effective, and reliable services to the public.*

22 *This Compact is designed to achieve the following objectives,*
23 *and the Member States hereby ratify the same intentions by*
24 *subscribing hereto:*

25 *Provide opportunities for interstate practice by Cosmetologists*
26 *who meet uniform requirements for multistate licensure;*

27 *B. Enhance the abilities of Member States to protect public health*
28 *and safety, and prevent fraud and unlicensed activity within the*
29 *profession;*

30 *C. Ensure and encourage cooperation between Member States*
31 *in the licensure and regulation of the Practice of Cosmetology;*

32 *D. Support relocating military members and their spouses;*

33 *E. Facilitate the exchange of information between Member States*
34 *related to the licensure, investigation, and discipline of the Practice*
35 *of Cosmetology;*

36 *F. Provide for the licensure and mobility of the workforce in the*
37 *profession, while addressing the shortage of workers and lessening*
38 *the associated burdens on the Member States.*

1 *ARTICLE 2- DEFINITIONS*

2 *As used in this Compact, and except as otherwise provided, the*
3 *following definitions shall govern the terms herein:*

4 *“Active Duty Military” means any individual in full-time duty*
5 *status in the active uniformed service of the United States including*
6 *members of the National Guard and Reserve.*

7 *B. “Adverse Action” means any administrative, civil, equitable,*
8 *or criminal action permitted by a Member State’s laws which is*
9 *imposed by a State Licensing Authority or other regulatory body*
10 *against a or Cosmetologist, including actions against an*
11 *individual’s license or Authorization to Practice such as*
12 *revocation, suspension, probation, monitoring of the Licensee,*
13 *limitation of the Licensee’s practice, or any other Encumbrance*
14 *on a license affecting an individual’s ability to participate in the*
15 *Cosmetology industry, including the issuance of a cease and desist*
16 *order.*

17 *C. “Authorization to Practice” means a legal authorization*
18 *associated with a Multistate License permitting the Practice of*
19 *Cosmetology in that Remote State, which shall be subject to the*
20 *enforcement jurisdiction of the State Licensing Authority in that*
21 *Remote State.*

22 *D. “Alternative Program” means a non-disciplinary monitoring*
23 *or prosecutorial diversion program approved by a Member State’s*
24 *State Licensing Authority.*

25 *E. “Background Check” means the submission of information*
26 *for an applicant for the purpose of obtaining that applicant’s*
27 *criminal history record information, as further defined in C.F.R.*
28 *§ 20.3(d), from the Federal Bureau of Investigation and the agency*
29 *responsible for retaining State criminal or disciplinary history in*
30 *the applicant’s Home State.*

31 *F. “Charter Member State” means Member States who have*
32 *enacted legislation to adopt this Compact where such legislation*
33 *predates the effective date of this Compact as defined in Article*
34 *13.*

35 *G. “Commission” the government agency whose membership*
36 *consists of all States that have enacted this Compact, which is*
37 *known as the Cosmetology Licensure Compact Commission, as*
38 *defined in Article 9, and which shall operate as an instrumentality*
39 *of the Member States.*

1 *H. “Cosmetologist” means an individual licensed in their Home*
2 *State to practice Cosmetology.*

3 *“Cosmetology”, “Cosmetology Services”, and the “Practice of*
4 *Cosmetology” mean the care and services provided by a*
5 *Cosmetologist as set forth in the Member State’s statutes and*
6 *regulations in the State where the services are being provided.*

7 *J. “Current Significant Investigative Information” means:*

8 *Investigative Information that a State Licensing Authority, after*
9 *an inquiry or investigation that complies with a Member State’s*
10 *due process requirements, has reason to believe is not groundless*
11 *and, if proved true, would indicate a violation of that State’s laws*
12 *regarding fraud or the Practice of Cosmetology; or*

13 *2. Investigative Information that indicates that a Licensee has*
14 *engaged in fraud or represents an immediate threat to public health*
15 *and safety, regardless of whether the Licensee has been notified*
16 *and had an opportunity to respond.*

17 *K. “Data System” means a repository of information about*
18 *Licensees, including but not limited to license status, Investigative*
19 *Information, and Adverse Actions.*

20 *L. “Disqualifying Event” means any event which shall disqualify*
21 *an individual from holding a Multistate License under this*
22 *Compact, which the Commission may by Rule or order specify.*

23 *M. “Encumbered License” means a license in which an Adverse*
24 *Action restricts the Practice of Cosmetology by a Licensee, or*
25 *where said Adverse Action has been reported to the Commission.*

26 *N. “Encumbrance” means a revocation or suspension of, or any*
27 *limitation on, the full and unrestricted Practice of Cosmetology*
28 *by a State Licensing Authority.*

29 *O. “Executive Committee” means a group of delegates elected*
30 *or appointed to act on behalf of, and within the powers granted*
31 *to them by, the Commission.*

32 *P. “Home State” means the Member State which is a Licensee’s*
33 *primary State of residence, and where that Licensee holds an active*
34 *and unencumbered license to practice Cosmetology.*

35 *Q. “Investigative Information” means information, records, or*
36 *documents received or generated by a State Licensing Authority*
37 *pursuant to an investigation or other inquiry.*

38 *R. “Jurisprudence Requirement” means the assessment of an*
39 *individual’s knowledge of the laws and rules governing the*
40 *Practice of Cosmetology in a State.*

1 S. “Licensee” means an individual who currently holds a license
2 from a Member State to practice as a Cosmetologist.

3 T. “Member State” means any State that has adopted this
4 Compact.

5 U. “Multistate License” means a license issued by and subject
6 to the enforcement jurisdiction of the State Licensing Authority in
7 a Licensee’s Home State, which authorizes the Practice of
8 Cosmetology in Member States and includes Authorizations to
9 Practice Cosmetology in all Remote States pursuant to this
10 Compact.

11 V. “Remote State” means any Member State, other than the
12 Licensee’s Home State.

13 W. “Rule” means any rule or regulation promulgated by the
14 Commission under this Compact which has the force of law.

15 X. “Single-State License” means a Cosmetology license issued
16 by a Member State that authorizes practice of Cosmetology only
17 within the issuing State and does not include any authorization
18 outside of the issuing State.

19 Y. “State” means a State, territory, or possession of the United
20 States and the District of Columbia.

21 Z. “State Licensing Authority” means a Member State’s
22 regulatory body responsible for issuing Cosmetology licenses or
23 otherwise overseeing the Practice of Cosmetology in that State.

24 **ARTICLE 3- MEMBER STATE REQUIREMENTS**

25 To be eligible to join this Compact, and to maintain eligibility
26 as a Member State, a State must:

- 27 1. License and regulate Cosmetology;
- 28 2. Have a mechanism or entity in place to receive and investigate
29 complaints about Licensees practicing in that State;
- 30 3. Require that Licensees within the State pass a Cosmetology
31 competency examination prior to being licensed to provide
32 Cosmetology Services to the public in that State;
- 33 4. Require that Licensees satisfy educational or training
34 requirements in Cosmetology prior to being licensed to provide
35 Cosmetology Services to the public in that State;
- 36 5. Implement procedures for considering one or more of the
37 following categories of information from applicants for licensure:
38 criminal history; disciplinary history; or Background Check. Such
39 procedures may include the submission of information by

1 *applicants for the purpose of obtaining an applicant's Background*
2 *Check as defined herein;*

3 *6. Participate in the Data System, including through the use of*
4 *unique identifying numbers;*

5 *7. Share information related to Adverse Actions with the*
6 *Commission and other Member States, both through the Data*
7 *System and otherwise;*

8 *8. Notify the Commission and other Member States, in*
9 *compliance with the terms of the Compact and Rules of the*
10 *Commission, of the existence of Investigative Information or*
11 *Current Significant Investigative Information in the State's*
12 *possession regarding a Licensee practicing in that State;*

13 *9. Comply with such Rules as may be enacted by the Commission*
14 *to administer the Compact; and*

15 *10. Accept Licensees from other Member States as established*
16 *herein.*

17 *B. Member States may charge a fee for granting a license to*
18 *practice Cosmetology.*

19 *C. Individuals not residing in a Member State shall continue to*
20 *be able to apply for a Member State's Single-State License as*
21 *provided under the laws of each Member State. However, the*
22 *Single-State License granted to these individuals shall not be*
23 *recognized as granting a Multistate License to provide services*
24 *in any other Member State.*

25 *D. Nothing in this Compact shall affect the requirements*
26 *established by a Member State for the issuance of a Single-State*
27 *License.*

28 *E. A Multistate License issued to a Licensee by a Home State to*
29 *a resident of that State shall be recognized by each Member State*
30 *as authorizing a Licensee to practice Cosmetology in each Member*
31 *State.*

32 *F. At no point shall the Commission have the power to define*
33 *the educational or professional requirements for a license to*
34 *practice Cosmetology. The Member States shall retain sole*
35 *jurisdiction over the provision of these requirements.*

36 **ARTICLE 4- MULTISTATE LICENSE**

37 *To be eligible to apply to their Home State's State Licensing*
38 *Authority for an initial Multistate License under this Compact, a*
39 *Licensee must hold an active and unencumbered Single-State*
40 *License to practice Cosmetology in their Home State.*

1 *B. Upon the receipt of an application for a Multistate License,*
2 *according to the Rules of the Commission, a Member State’s State*
3 *Licensing Authority shall ascertain whether the applicant meets*
4 *the requirements for a Multistate License under this Compact.*

5 *C. If an applicant meets the requirements for a Multistate License*
6 *under this Compact and any applicable Rules of the Commission,*
7 *the State Licensing Authority in receipt of the application shall,*
8 *within a reasonable time, grant a Multistate License to that*
9 *applicant, and inform all Member States of the grant of said*
10 *Multistate License.*

11 *D. A Multistate License to practice Cosmetology issued by a*
12 *Member State’s State Licensing Authority shall be recognized by*
13 *each Member State as authorizing the practice thereof as though*
14 *that Licensee held a Single-State License to do so in each Member*
15 *State, subject to the restrictions herein.*

16 *E. A Multistate License granted pursuant to this Compact may*
17 *be effective for a definite period of time, concurrent with the*
18 *licensure renewal period in the Home State.*

19 *F. To maintain a Multistate License under this Compact, a*
20 *Licensee must:*

21 *Agree to abide by the rules of the State Licensing Authority, and*
22 *the State scope of practice laws governing the Practice of*
23 *Cosmetology, of any Member State in which the Licensee provides*
24 *services;*

25 *2. Pay all required fees related to the application and process,*
26 *and any other fees which the Commission may by Rule require;*
27 *and*

28 *3. Comply with any and all other requirements regarding*
29 *Multistate Licenses which the Commission may by Rule provide.*

30 *G. A Licensee practicing in a Member State is subject to all*
31 *scope of practice laws governing Cosmetology Services in that*
32 *State.*

33 *H. The Practice of Cosmetology under a Multistate License*
34 *granted pursuant to this Compact will subject the Licensee to the*
35 *jurisdiction of the State Licensing Authority, the courts, and the*
36 *laws of the Member State in which the Cosmetology Services are*
37 *provided.*

38 *ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY*
39 *A NEW HOME STATE*

1 *A Licensee may hold a Multistate License, issued by their Home*
2 *State, in only one Member State at any given time.*

3 *B. If a Licensee changes their Home State by moving between*
4 *two Member States:*

5 *The Licensee shall immediately apply for the reissuance of their*
6 *Multistate License in their new Home State. The Licensee shall*
7 *pay all applicable fees and notify the prior Home State in*
8 *accordance with the Rules of the Commission.*

9 *2. Upon receipt of an application to reissue a Multistate License,*
10 *the new Home State shall verify that the Multistate License is*
11 *active, unencumbered and eligible for reissuance under the terms*
12 *of the Compact and the Rules of the Commission. The Multistate*
13 *License issued by the prior Home State will be deactivated and all*
14 *Member States notified in accordance with the applicable Rules*
15 *adopted by the Commission.*

16 *3. If required for initial licensure, the new Home State may*
17 *require a Background Check as specified in the laws of that State,*
18 *or the compliance with any Jurisprudence Requirements of the*
19 *new Home State.*

20 *4. Notwithstanding any other provision of this Compact, if a*
21 *Licensee does not meet the requirements set forth in this Compact*
22 *for the reissuance of a Multistate License by the new Home State,*
23 *then the Licensee shall be subject to the new Home State*
24 *requirements for the issuance of a Single-State License in that*
25 *State.*

26 *C. If a Licensee changes their primary state of residence by*
27 *moving from a Member State to a non-Member State, or from a*
28 *non-Member State to a Member State, then the Licensee shall be*
29 *subject to the State requirements for the issuance of a Single-State*
30 *License in the new Home State.*

31 *D. Nothing in this Compact shall interfere with a Licensee's*
32 *ability to hold a Single-State License in multiple States; however,*
33 *for the purposes of this Compact, a Licensee shall have only one*
34 *Home State, and only one Multistate License.*

35 *E. Nothing in this Compact shall interfere with the requirements*
36 *established by a Member State for the issuance of a Single-State*
37 *License.*

38 **ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION**
39 **AND MEMBER STATE LICENSING AUTHORITIES**

1 *Nothing in this Compact, nor any Rule or regulation of the*
 2 *Commission, shall be construed to limit, restrict, or in any way*
 3 *reduce the ability of a Member State to enact and enforce laws,*
 4 *regulations, or other rules related to the Practice of Cosmetology*
 5 *in that State, where those laws, regulations, or other rules are not*
 6 *inconsistent with the provisions of this Compact.*

7 *B. Insofar as practical, a Member State’s State Licensing*
 8 *Authority shall cooperate with the Commission and with each*
 9 *entity exercising independent regulatory authority over the Practice*
 10 *of Cosmetology according to the provisions of this Compact.*

11 *C. Discipline shall be the sole responsibility of the State in which*
 12 *Cosmetology Services are provided. Accordingly, each Member*
 13 *State’s State Licensing Authority shall be responsible for receiving*
 14 *complaints about individuals practicing Cosmetology in that State,*
 15 *and for communicating all relevant Investigative Information about*
 16 *any such Adverse Action to the other Member States through the*
 17 *Data System in addition to any other methods the Commission*
 18 *may by Rule require.*

19 **ARTICLE 7- ADVERSE ACTIONS**

20 *A Licensee’s Home State shall have exclusive power to impose*
 21 *an Adverse Action against a Licensee’s Multistate License issued*
 22 *by the Home State.*

23 *B. A Home State may take Adverse Action on a Multistate License*
 24 *based on the Investigative Information, Current Significant*
 25 *Investigative Information, or Adverse Action of a Remote State.*

26 *C. In addition to the powers conferred by State law, each Remote*
 27 *State’s State Licensing Authority shall have the power to:*

28 *Take Adverse Action against a Licensee’s Authorization to*
 29 *Practice Cosmetology through the Multistate License in that*
 30 *Member State, provided that:*

31 *Only the Licensee’s Home State shall have the power to take*
 32 *Adverse Action against the Multistate License issued by the Home*
 33 *State; and*

34 *For the purposes of taking Adverse Action, the Home State’s*
 35 *State Licensing Authority shall give the same priority and effect*
 36 *to reported conduct received from a Remote State as it would if*
 37 *such conduct had occurred within the Home State. In so doing,*
 38 *the Home State shall apply its own State laws to determine the*
 39 *appropriate action.*

1 *Issue cease and desist orders or impose an Encumbrance on a*
2 *Licensee's Authorization to Practice within that Member State.*

3 *Complete any pending investigations of a Licensee who changes*
4 *their primary state of residence during the course of such an*
5 *investigation. The State Licensing Authority shall also be*
6 *empowered to report the results of such an investigation to the*
7 *Commission through the Data System as described herein.*

8 *Issue subpoenas for both hearings and investigations that require*
9 *the attendance and testimony of witnesses, as well as the*
10 *production of evidence. Subpoenas issued by a State Licensing*
11 *Authority in a Member State for the attendance and testimony of*
12 *witnesses or the production of evidence from another Member*
13 *State shall be enforced in the latter State by any court of competent*
14 *jurisdiction, according to the practice and procedure of that court*
15 *applicable to subpoenas issued in proceedings before it. The*
16 *issuing State Licensing Authority shall pay any witness fees, travel*
17 *expenses, mileage, and other fees required by the service statutes*
18 *of the State in which the witnesses or evidence are located.*

19 *If otherwise permitted by State law, recover from the affected*
20 *Licensee the costs of investigations and disposition of cases*
21 *resulting from any Adverse Action taken against that Licensee.*

22 *Take Adverse Action against the Licensee's Authorization to*
23 *Practice in that State based on the factual findings of another*
24 *Remote State.*

25 *D. A Licensee's Home State shall complete any pending*
26 *investigation(s) of a Cosmetologist who changes their primary*
27 *state of residence during the course of the investigation(s). The*
28 *Home State shall also have the authority to take appropriate*
29 *action(s) and shall promptly report the conclusions of the*
30 *investigations to the Data System.*

31 *E. If an Adverse Action is taken by the Home State against*
32 *Licensee's Multistate License, the Licensee's Authorization to*
33 *Practice in all other Member States shall be deactivated until all*
34 *Encumbrances have been removed from the Home State license.*
35 *All Home State disciplinary orders that impose an Adverse Action*
36 *against a Licensee's Multistate License shall include a statement*
37 *that the Cosmetologist's Authorization to Practice is deactivated*
38 *in all Member States during the pendency of the order.*

39 *F. Nothing in this Compact shall override a Member State's*
40 *authority to accept a Licensee's participation in an Alternative*

1 *Program in lieu of Adverse Action. A Licensee’s Multistate License*
2 *shall be suspended for the duration of the Licensee’s participation*
3 *in any Alternative Program.*

4 *G. Joint Investigations*

5 *In addition to the authority granted to a Member State by its*
6 *respective scope of practice laws or other applicable State law, a*
7 *Member State may participate with other Member States in joint*
8 *investigations of Licensees.*

9 *2. Member States shall share any investigative, litigation, or*
10 *compliance materials in furtherance of any joint or individual*
11 *investigation initiated under the Compact.*

12 **ARTICLE 8- ACTIVE DUTY MILITARY AND THEIR SPOUSES**

13 *Active Duty Military personnel, or their spouses, shall designate*
14 *a Home State where the individual has a current license to practice*
15 *Cosmetology in good standing. The individual may retain their*
16 *Home State designation during any period of service when that*
17 *individual or their spouse is on active duty assignment.*

18 **ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE**
19 **COSMETOLOGY LICENSURE COMPACT COMMISSION**

20 *The Compact Member States hereby create and establish a joint*
21 *government agency whose membership consists of all Member*
22 *States that have enacted the Compact known as the Cosmetology*
23 *Licensure Compact Commission. The Commission is an*
24 *instrumentality of the Compact Member States acting jointly and*
25 *not an instrumentality of any one State. The Commission shall*
26 *come into existence on or after the effective date of the Compact*
27 *as set forth in Article 13.*

28 *B. Membership, Voting, and Meetings*

29 *Each Member State shall have and be limited to one (1) delegate*
30 *selected by that Member State’s State Licensing Authority.*

31 *2. The delegate shall be an administrator of the State Licensing*
32 *Authority of the Member State or their designee.*

33 *3. The Commission shall by Rule or bylaw establish a term of*
34 *office for delegates and may by Rule or bylaw establish term limits.*

35 *4. The Commission may recommend removal or suspension of*
36 *any delegate from office.*

37 *5. A Member State’s State Licensing Authority shall fill any*
38 *vacancy of its delegate occurring on the Commission within 60*
39 *days of the vacancy.*

1 6. Each delegate shall be entitled to one vote on all matters that
2 are voted on by the Commission.

3 7. The Commission shall meet at least once during each calendar
4 year. Additional meetings may be held as set forth in the bylaws.
5 The Commission may meet by telecommunication, video conference
6 or other similar electronic means.

7 C. The Commission shall have the following powers:

8 Establish the fiscal year of the Commission;

9 Establish code of conduct and conflict of interest policies;

10 Adopt Rules and bylaws;

11 Maintain its financial records in accordance with the bylaws;

12 Meet and take such actions as are consistent with the provisions
13 of this Compact, the Commission's Rules, and the bylaws;

14 6. Initiate and conclude legal proceedings or actions in the name
15 of the Commission, provided that the standing of any State
16 Licensing Authority to sue or be sued under applicable law shall
17 not be affected;

18 7. Maintain and certify records and information provided to a
19 Member State as the authenticated business records of the
20 Commission, and designate an agent to do so on the Commission's
21 behalf;

22 8. Purchase and maintain insurance and bonds;

23 9. Borrow, accept, or contract for services of personnel,
24 including, but not limited to, employees of a Member State;

25 10. Conduct an annual financial review;

26 11. Hire employees, elect or appoint officers, fix compensation,
27 define duties, grant such individuals appropriate authority to carry
28 out the purposes of the Compact, and establish the Commission's
29 personnel policies and programs relating to conflicts of interest,
30 qualifications of personnel, and other related personnel matters;

31 12. As set forth in the Commission Rules, charge a fee to a
32 Licensee for the grant of a Multistate License and thereafter, as
33 may be established by Commission Rule, charge the Licensee a
34 Multistate License renewal fee for each renewal period. Nothing
35 herein shall be construed to prevent a Home State from charging
36 a Licensee a fee for a Multistate License or renewals of a Multistate
37 License, or a fee for the jurisprudence requirement if the Member
38 State imposes such a requirement for the grant of Multistate
39 License;

40 13. Assess and collect fees;

- 1 14. Accept any and all appropriate gifts, donations, grants of
- 2 money, other sources of revenue, equipment, supplies, materials,
- 3 and services, and receive, utilize, and dispose of the same; provided
- 4 that at all times the Commission shall avoid any appearance of
- 5 impropriety or conflict of interest;
- 6 15. Lease, purchase, retain, own, hold, improve, or use any
- 7 property, real, personal, or mixed, or any undivided interest
- 8 therein;
- 9 16. Sell, convey, mortgage, pledge, lease, exchange, abandon,
- 10 or otherwise dispose of any property real, personal, or mixed;
- 11 17. Establish a budget and make expenditures;
- 12 18. Borrow money;
- 13 19. Appoint committees, including standing committees,
- 14 composed of members, State regulators, State legislators or their
- 15 representatives, and consumer representatives, and such other
- 16 interested persons as may be designated in this Compact and the
- 17 bylaws;
- 18 20. Provide and receive information from, and cooperate with,
- 19 law enforcement agencies
- 20 21. Elect a Chair, Vice Chair, Secretary and Treasurer and such
- 21 other officers of the Commission as provided in the Commission's
- 22 bylaws;
- 23 22. Establish and elect an Executive Committee, including a
- 24 chair and a vice chair;
- 25 23. Adopt and provide to the Participating States an annual
- 26 report.
- 27 24. Determine whether a State's adopted language is materially
- 28 different from the model Compact language such that the State
- 29 would not qualify for participation in the Compact; and
- 30 25. Perform such other functions as may be necessary or
- 31 appropriate to achieve the purposes of this Compact.
- 32 D. The Executive Committee
- 33 The Executive Committee shall have the power to act on behalf
- 34 of the Commission according to the terms of this Compact. The
- 35 powers, duties, and responsibilities of the Executive Committee
- 36 shall include:
- 37 Overseeing the day-to-day activities of the administration of the
- 38 Compact including compliance with the provisions of the Compact,
- 39 the Commission's Rules and bylaws, and other such duties as
- 40 deemed necessary;

1 *b. Recommending to the Commission changes to the Rules or*
2 *bylaws, changes to this Compact legislation, fees charged to*
3 *Compact Member States, fees charged to Licensees, and other*
4 *fees;*

5 *c. Ensuring Compact administration services are appropriately*
6 *provided, including by contract;*

7 *d. Preparing and recommending the budget;*

8 *e. Maintaining financial records on behalf of the Commission;*

9 *f. Monitoring Compact compliance of Member States and*
10 *providing compliance reports to the Commission;*

11 *g. Establishing additional committees as necessary;*

12 *h. Exercise the powers and duties of the Commission during the*
13 *interim between*

14 *Commission meetings, except for adopting or amending Rules,*
15 *adopting or amending bylaws, and exercising any other powers*
16 *and duties expressly reserved to the Commission by Rule or bylaw;*
17 *and*

18 *Other duties as provided in the Rules or bylaws of the*
19 *Commission.*

20 *2. The Executive Committee shall be composed of up to seven*
21 *voting members:*

22 *The chair and vice chair of the Commission and any other*
23 *members of the Commission who serve on the Executive Committee*
24 *shall be voting members of the Executive Committee; and*

25 *b. Other than the chair and vice-chair, secretary and treasurer,*
26 *the Commission shall elect three voting members from the current*
27 *membership of the Commission.*

28 *c. The Commission may elect ex-officio, nonvoting members*
29 *from a recognized national Cosmetology professional association*
30 *as approved by the Commission. The Commission's bylaws shall*
31 *identify qualifying organizations and the manner of appointment*
32 *if the number of organizations seeking to appoint an ex officio*
33 *member exceeds the number of members specified in this Article.*

34 *3. The Commission may remove any member of the Executive*
35 *Committee as provided in the Commission's bylaws.*

36 *4. The Executive Committee shall meet at least annually.*

37 *Annual Executive Committee meetings, as well as any Executive*
38 *Committee meeting at which it does not take or intend to take*
39 *formal action on a matter for which a Commission vote would*
40 *otherwise be required, shall be open to the public, except that the*

1 *Executive Committee may meet in a closed, non-public session of*
2 *a public meeting when dealing with any of the matters covered*
3 *under Article 9.F.4.*

4 *b. The Executive Committee shall give five business days advance*
5 *notice of its public meetings, posted on its website and as*
6 *determined to provide notice to persons with an interest in the*
7 *public matters the Executive Committee intends to address at those*
8 *meetings.*

9 *5. The Executive Committee may hold an emergency meeting*
10 *when acting for the Commission to:*

11 *Meet an imminent threat to public health, safety, or welfare;*

12 *Prevent a loss of Commission or Participating State funds; or*

13 *Protect public health and safety.*

14 *E. The Commission shall adopt and provide to the Member States*
15 *an annual report.*

16 *F. Meetings of the Commission*

17 *All meetings of the Commission that are not closed pursuant to*
18 *Article 9.F.4 shall be open to the public. Notice of public meetings*
19 *shall be posted on the Commission's website at least thirty (30)*
20 *days prior to the public meeting.*

21 *2. Notwithstanding Article 9.F.1, the Commission may convene*
22 *an emergency public meeting by providing at least twenty-four*
23 *(24) hours prior notice on the Commission's website, and any*
24 *other means as provided in the Commission's Rules, for any of the*
25 *reasons it may dispense with notice of proposed rulemaking under*
26 *Article 11.L. The Commission's legal counsel shall certify that*
27 *one of the reasons justifying an emergency public meeting has*
28 *been met.*

29 *3. Notice of all Commission meetings shall provide the time,*
30 *date, and location of the meeting, and if the meeting is to be held*
31 *or accessible via telecommunication, video conference, or other*
32 *electronic means, the notice shall include the mechanism for access*
33 *to the meeting.*

34 *4. The Commission may convene in a closed, non-public meeting*
35 *for the Commission to discuss:*

36 *Non-compliance of a Member State with its obligations under*
37 *the Compact;*

38 *The employment, compensation, discipline or other matters,*
39 *practices or procedures related to specific employees or other*

1 *matters related to the Commission's internal personnel practices*
2 *and procedures;*

3 *Current or threatened discipline of a Licensee by the Commission*
4 *or by a Member State's Licensing Authority;*

5 *Current, threatened, or reasonably anticipated litigation;*

6 *Negotiation of contracts for the purchase, lease, or sale of goods,*
7 *services, or real estate;*

8 *Accusing any person of a crime or formally censuring any*
9 *person;*

10 *Trade secrets or commercial or financial information that is*
11 *privileged or confidential;*

12 *Information of a personal nature where disclosure would*
13 *constitute a clearly unwarranted invasion of personal privacy;*

14 *Investigative records compiled for law enforcement purposes;*

15 *Information related to any investigative reports prepared by or*
16 *on behalf of or for use of the Commission or other committee*
17 *charged with responsibility of investigation or determination of*
18 *compliance issues pursuant to the Compact;*

19 *Legal Advice*

20 *Matters specifically exempted from disclosure to the public by*
21 *federal or Member State law; or*

22 *Other matters as promulgated by the Commission by Rule.*

23 *If a meeting, or portion of a meeting, is closed, the presiding*
24 *officer shall state that the meeting will be closed and reference*
25 *each relevant exempting provision, and such reference shall be*
26 *recorded in the minutes.*

27 *6. The Commission shall keep minutes that fully and clearly*
28 *describe all matters discussed in a meeting and shall provide a*
29 *full and accurate summary of actions taken, and the reasons*
30 *therefore, including a description of the views expressed. All*
31 *documents considered in connection with an action shall be*
32 *identified in such minutes. All minutes and documents of a closed*
33 *meeting shall remain under seal, subject to release only by a*
34 *majority vote of the Commission or order of a court of competent*
35 *jurisdiction.*

36 *G. Financing of the Commission*

37 *The Commission shall pay, or provide for the payment of, the*
38 *reasonable expenses of its establishment, organization, and*
39 *ongoing activities.*

1 2. *The Commission may accept any and all appropriate sources*
2 *of revenue, donations, and grants of money, equipment, supplies,*
3 *materials, and services.*

4 3. *The Commission may levy on and collect an annual assessment*
5 *from each Member State and impose fees on Licensees of Member*
6 *States to whom it grants a Multistate License to cover the cost of*
7 *the operations and activities of the Commission and its staff, which*
8 *must be in a total amount sufficient to cover its annual budget as*
9 *approved each year for which revenue is not provided by other*
10 *sources. The aggregate annual assessment amount for Member*
11 *States shall be allocated based upon a formula that the Commission*
12 *shall promulgate by Rule.*

13 4. *The Commission shall not incur obligations of any kind prior*
14 *to securing the funds adequate to meet the same; nor shall the*
15 *Commission pledge the credit of any Member States, except by*
16 *and with the authority of the Member State.*

17 5. *The Commission shall keep accurate accounts of all receipts*
18 *and disbursements. The receipts and disbursements of the*
19 *Commission shall be subject to the financial review and accounting*
20 *procedures established under its bylaws. All receipts and*
21 *disbursements of funds handled by the Commission shall be subject*
22 *to an annual financial review by a certified or licensed public*
23 *accountant, and the report of the financial review shall be included*
24 *in and become part of the annual report of the Commission.*

25 *H. Qualified Immunity, Defense, and Indemnification*

26 *The members, officers, executive director, employees and*
27 *representatives of the Commission shall be immune from suit and*
28 *liability, both personally and in their official capacity, for any*
29 *claim for damage to or loss of property or personal injury or other*
30 *civil liability caused by or arising out of any actual or alleged act,*
31 *error, or omission that occurred, or that the person against whom*
32 *the claim is made had a reasonable basis for believing occurred*
33 *within the scope of Commission employment, duties or*
34 *responsibilities; provided that nothing in this paragraph shall be*
35 *construed to protect any such person from suit or liability for any*
36 *damage, loss, injury, or liability caused by the intentional or willful*
37 *or wanton misconduct of that person. The procurement of insurance*
38 *of any type by the Commission shall not in any way compromise*
39 *or limit the immunity granted hereunder.*

1 2. *The Commission shall defend any member, officer, executive*
2 *director, employee, and representative of the Commission in any*
3 *civil action seeking to impose liability arising out of any actual or*
4 *alleged act, error, or omission that occurred within the scope of*
5 *Commission employment, duties, or responsibilities, or as*
6 *determined by the Commission that the person against whom the*
7 *claim is made had a reasonable basis for believing occurred within*
8 *the scope of Commission employment, duties, or responsibilities;*
9 *provided that nothing herein shall be construed to prohibit that*
10 *person from retaining their own counsel at their own expense; and*
11 *provided further, that the actual or alleged act, error, or omission*
12 *did not result from that person's intentional or willful or wanton*
13 *misconduct.*

14 3. *The Commission shall indemnify and hold harmless any*
15 *member, officer, executive director, employee, and representative*
16 *of the Commission for the amount of any settlement or judgment*
17 *obtained against that person arising out of any actual or alleged*
18 *act, error, or omission that occurred within the scope of*
19 *Commission employment, duties, or responsibilities, or that such*
20 *person had a reasonable basis for believing occurred within the*
21 *scope of Commission employment, duties, or responsibilities,*
22 *provided that the actual or alleged act, error, or omission did not*
23 *result from the intentional or willful or wanton misconduct of that*
24 *person.*

25 4. *Nothing herein shall be construed as a limitation on the*
26 *liability of any Licensee for professional malpractice or*
27 *misconduct, which shall be governed solely by any other applicable*
28 *State laws.*

29 5. *Nothing in this Compact shall be interpreted to waive or*
30 *otherwise abrogate a Member State's State action immunity or*
31 *State action affirmative defense with respect to antitrust claims*
32 *under the Sherman Act, Clayton Act, or any other State or federal*
33 *antitrust or anticompetitive law or regulation.*

34 6. *Nothing in this Compact shall be construed to be a waiver of*
35 *sovereign immunity by the Member States or by the Commission.*

36 **ARTICLE 10- DATA SYSTEM**

37 *The Commission shall provide for the development, maintenance,*
38 *operation, and utilization of a coordinated database and reporting*
39 *system.*

1 *B. The Commission shall assign each applicant for a Multistate*
2 *License a unique identifier, as determined by the Rules of the*
3 *Commission.*

4 *C. Notwithstanding any other provision of State law to the*
5 *contrary, a Member State shall submit a uniform data set to the*
6 *Data System on all individuals to whom this Compact is applicable*
7 *as required by the Rules of the Commission, including:*

8 *Identifying information;*

9 *Licensure data;*

10 *Adverse Actions against a license and information related*
11 *thereto;*

12 *Non-confidential information related to Alternative Program*
13 *participation, the beginning and ending dates of such participation,*
14 *and other information related to such participation;*

15 5. *Any denial of application for licensure, and the reason(s) for*
16 *such denial (excluding the reporting of any criminal history record*
17 *information where prohibited by law);*

18 6. *The existence of Investigative Information;*

19 7. *The existence of Current Significant Investigative Information;*
20 *and*

21 8. *Other information that may facilitate the administration of*
22 *this Compact or the protection of the public, as determined by the*
23 *Rules of the Commission.*

24 *D. The records and information provided to a Member State*
25 *pursuant to this Compact or through the Data System, when*
26 *certified by the Commission or an agent thereof, shall constitute*
27 *the authenticated business records of the Commission, and shall*
28 *be entitled to any associated hearsay exception in any relevant*
29 *judicial, quasi-judicial or administrative proceedings in a Member*
30 *State.*

31 *E. The existence of Current Significant Investigative Information*
32 *and the existence of Investigative Information pertaining to a*
33 *Licensee in any Member State will only be available to other*
34 *Member States.*

35 *F. It is the responsibility of the Member States to monitor the*
36 *database to determine whether Adverse Action has been taken*
37 *against such a Licensee or License applicant. Adverse Action*
38 *information pertaining to a Licensee or License applicant in any*
39 *Member State will be available to any other Member State.*

1 *G. Member States contributing information to the Data System*
2 *may designate information that may not be shared with the public*
3 *without the express permission of the contributing State.*

4 *H. Any information submitted to the Data System that is*
5 *subsequently expunged pursuant to federal law or the laws of the*
6 *Member State contributing the information shall be removed from*
7 *the Data System.*

8 **ARTICLE 11- RULEMAKING**

9 *The Commission shall promulgate reasonable Rules in order to*
10 *effectively and efficiently implement and administer the purposes*
11 *and provisions of the Compact. A Rule shall be invalid and have*
12 *no force or effect only if a court of competent jurisdiction holds*
13 *that the Rule is invalid because the Commission exercised its*
14 *rulemaking authority in a manner that is beyond the scope and*
15 *purposes of the Compact, or the powers granted hereunder, or*
16 *based upon another applicable standard of review.*

17 *B. The Rules of the Commission shall have the force of law in*
18 *each Member State, provided however that where the Rules of the*
19 *Commission conflict with the laws of the Member State that*
20 *establish the Member State's scope of practice laws governing the*
21 *Practice of Cosmetology as held by a court of competent*
22 *jurisdiction, the Rules of the Commission shall be ineffective in*
23 *that State to the extent of the conflict.*

24 *C. The Commission shall exercise its rulemaking powers*
25 *pursuant to the criteria set forth in this Article and the Rules*
26 *adopted thereunder. Rules shall become binding as of the date*
27 *specified by the Commission for each Rule.*

28 *D. If a majority of the legislatures of the Member States rejects*
29 *a Rule or portion of a Rule, by enactment of a statute or resolution*
30 *in the same manner used to adopt the Compact within four (4)*
31 *years of the date of adoption of the Rule, then such Rule shall have*
32 *no further force and effect in any Member State or to any State*
33 *applying to participate in the Compact.*

34 *E. Rules shall be adopted at a regular or special meeting of the*
35 *Commission.*

36 *F. Prior to adoption of a proposed Rule, the Commission shall*
37 *hold a public hearing and allow persons to provide oral and*
38 *written comments, data, facts, opinions, and arguments.*

39 *G. Prior to adoption of a proposed Rule by the Commission,*
40 *and at least thirty (30) days in advance of the meeting at which*

1 *the Commission will hold a public hearing on the proposed Rule,*
2 *the Commission shall provide a notice of proposed rulemaking:*
3 *On the website of the Commission or other publicly accessible*
4 *platform;*
5 *To persons who have requested notice of the Commission's*
6 *notices of proposed rulemaking, and*
7 *3. In such other way(s) as the Commission may by Rule specify.*
8 *H. The notice of proposed rulemaking shall include:*
9 *The time, date, and location of the public hearing at which the*
10 *Commission will hear public comments on the proposed Rule and,*
11 *if different, the time, date, and location of the meeting where the*
12 *Commission will consider and vote on the proposed Rule;*
13 *2. If the hearing is held via telecommunication, video conference,*
14 *or other electronic means, the Commission shall include the*
15 *mechanism for access to the hearing in the notice of proposed*
16 *rulemaking;*
17 *3. The text of the proposed Rule and the reason therefor;*
18 *4. A request for comments on the proposed Rule from any*
19 *interested person; and*
20 *5. The manner in which interested persons may submit written*
21 *comments.*
22 *All hearings will be recorded. A copy of the recording and all*
23 *written comments and documents received by the Commission in*
24 *response to the proposed Rule shall be available to the public.*
25 *J. Nothing in this Article shall be construed as requiring a*
26 *separate hearing on each Rule. Rules may be grouped for the*
27 *convenience of the Commission at hearings required by this Article.*
28 *K. The Commission shall, by majority vote of all members, take*
29 *final action on the proposed Rule based on the rulemaking record*
30 *and the full text of the Rule.*
31 *The Commission may adopt changes to the proposed Rule*
32 *provided the changes do not enlarge the original purpose of the*
33 *proposed Rule.*
34 *2. The Commission shall provide an explanation of the reasons*
35 *for substantive changes made to the proposed Rule as well as*
36 *reasons for substantive changes not made that were recommended*
37 *by commenters.*
38 *3. The Commission shall determine a reasonable effective date*
39 *for the Rule. Except for an emergency as provided in Article 11.L,*
40 *the effective date of the Rule shall be no sooner than forty-five (45)*

1 days after the Commission issuing the notice that it adopted or
2 amended the Rule.

3 L. Upon determination that an emergency exists, the Commission
4 may consider and adopt an emergency Rule with five (5) days'
5 notice, with opportunity to comment, provided that the usual
6 rulemaking procedures provided in the Compact and in this Article
7 shall be retroactively applied to the Rule as soon as reasonably
8 possible, in no event later than ninety (90) days after the effective
9 date of the Rule. For the purposes of this provision, an emergency
10 Rule is one that must be adopted immediately to:

11 Meet an imminent threat to public health, safety, or welfare;

12 Prevent a loss of Commission or Member State funds;

13 Meet a deadline for the promulgation of a Rule that is established
14 by federal law or rule; or

15 4. Protect public health and safety.

16 M. The Commission or an authorized committee of the
17 Commission may direct revisions to a previously adopted Rule for
18 purposes of correcting typographical errors, errors in format,
19 errors in consistency, or grammatical errors. Public notice of any
20 revisions shall be posted on the website of the Commission. The
21 revision shall be subject to challenge by any person for a period
22 of thirty (30) days after posting. The revision may be challenged
23 only on grounds that the revision results in a material change to
24 a Rule. A challenge shall be made in writing and delivered to the
25 Commission prior to the end of the notice period. If no challenge
26 is made, the revision will take effect without further action. If the
27 revision is challenged, the revision may not take effect without the
28 approval of the Commission.

29 N. No Member State's rulemaking requirements shall apply
30 under this Compact.

31 **ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND**
32 **ENFORCEMENT**

33 **Oversight**

34 The executive and judicial branches of State government in each
35 Member State shall enforce this Compact and take all actions
36 necessary and appropriate to implement the Compact.

37 2. Venue is proper and judicial proceedings by or against the
38 Commission shall be brought solely and exclusively in a court of
39 competent jurisdiction where the principal office of the Commission
40 is located. The Commission may waive venue and jurisdictional

1 *defenses to the extent it adopts or consents to participate in*
2 *alternative dispute resolution proceedings. Nothing herein shall*
3 *affect or limit the selection or propriety of venue in any action*
4 *against a Licensee for professional malpractice, misconduct or*
5 *any such similar matter.*

6 *3. The Commission shall be entitled to receive service of process*
7 *in any proceeding regarding the enforcement or interpretation of*
8 *the Compact and shall have standing to intervene in such a*
9 *proceeding for all purposes. Failure to provide the Commission*
10 *service of process shall render a judgment or order void as to the*
11 *Commission, this Compact, or promulgated Rules.*

12 *B. Default, Technical Assistance, and Termination*

13 *If the Commission determines that a Member State has defaulted*
14 *in the performance of its obligations or responsibilities under this*
15 *Compact or the promulgated Rules, the Commission shall provide*
16 *written notice to the defaulting State. The notice of default shall*
17 *describe the default, the proposed means of curing the default,*
18 *and any other action that the Commission may take, and shall offer*
19 *training and specific technical assistance regarding the default.*

20 *2. The Commission shall provide a copy of the notice of default*
21 *to the other Member States.*

22 *3. If a State in default fails to cure the default, the defaulting*
23 *State may be terminated from the Compact upon an affirmative*
24 *vote of a majority of the delegates of the Member States, and all*
25 *rights, privileges and benefits conferred on that State by this*
26 *Compact may be terminated on the effective date of termination.*
27 *A cure of the default does not relieve the offending State of*
28 *obligations or liabilities incurred during the period of default.*

29 *4. Termination of membership in the Compact shall be imposed*
30 *only after all other means of securing compliance have been*
31 *exhausted. Notice of intent to suspend or terminate shall be given*
32 *by the Commission to the governor, the majority and minority*
33 *leaders of the defaulting State's legislature, the defaulting State's*
34 *State Licensing Authority and each of the Member States' State*
35 *Licensing Authority.*

36 *5. A State that has been terminated is responsible for all*
37 *assessments, obligations, and liabilities incurred through the*
38 *effective date of termination, including obligations that extend*
39 *beyond the effective date of termination.*

1 6. Upon the termination of a State's membership from this
2 Compact, that State shall immediately provide notice to all
3 Licensees who hold a Multistate License within that State of such
4 termination. The terminated State shall continue to recognize all
5 licenses granted pursuant to this Compact for a minimum of one
6 hundred eighty (180) days after the date of said notice of
7 termination.

8 7. The Commission shall not bear any costs related to a State
9 that is found to be in default or that has been terminated from the
10 Compact, unless agreed upon in writing between the Commission
11 and the defaulting State.

12 8. The defaulting State may appeal the action of the Commission
13 by petitioning the U.S. District Court for the District of Columbia
14 or the federal district where the Commission has its principal
15 offices. The prevailing party shall be awarded all costs of such
16 litigation, including reasonable attorney's fees.

17 C. Dispute Resolution

18 Upon request by a Member State, the Commission shall attempt
19 to resolve disputes related to the Compact that arise among
20 Member States and between Member and non-Member States.

21 2. The Commission shall promulgate a Rule providing for both
22 mediation and binding dispute resolution for disputes as
23 appropriate.

24 D. Enforcement

25 The Commission, in the reasonable exercise of its discretion,
26 shall enforce the provisions of this Compact and the Commission's
27 Rules.

28 2. By majority vote as provided by Commission Rule, the
29 Commission may initiate legal action against a Member State in
30 default in the United States District Court for the District of
31 Columbia or the federal district where the Commission has its
32 principal offices to enforce compliance with the provisions of the
33 Compact and its promulgated Rules. The relief sought may include
34 both injunctive relief and damages. In the event judicial
35 enforcement is necessary, the prevailing party shall be awarded
36 all costs of such litigation, including reasonable attorney's fees.
37 The remedies herein shall not be the exclusive remedies of the
38 Commission. The Commission may pursue any other remedies
39 available under federal or the defaulting Member State's law.

1 3. A Member State may initiate legal action against the
2 Commission in the U.S. District Court for the District of Columbia
3 or the federal district where the Commission has its principal
4 offices to enforce compliance with the provisions of the Compact
5 and its promulgated Rules. The relief sought may include both
6 injunctive relief and damages. In the event judicial enforcement
7 is necessary, the prevailing party shall be awarded all costs of
8 such litigation, including reasonable attorney's fees.

9 4. No individual or entity other than a Member State may enforce
10 this Compact against the Commission.

11 **ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND**
12 **AMENDMENT**

13 The Compact shall come into effect on the date on which the
14 Compact statute is enacted into law in the seventh Member State.

15 1. On or after the effective date of the Compact, the Commission
16 shall convene and review the enactment of each of the Charter
17 Member States to determine if the statute enacted by each such
18 Charter Member State is materially different than the model
19 Compact statute.

20 A Charter Member State whose enactment is found to be
21 materially different from the model Compact statute shall be
22 entitled to the default process set forth in Article 12.

23 If any Member State is later found to be in default, or is
24 terminated or withdraws from the Compact, the Commission shall
25 remain in existence and the Compact shall remain in effect even
26 if the number of Member States should be less than seven (7).

27 2. Member States enacting the Compact subsequent to the
28 Charter Member States shall be subject to the process set forth in
29 Article 9.C.24 to determine if their enactments are materially
30 different from the model Compact statute and whether they qualify
31 for participation in the Compact.

32 3. All actions taken for the benefit of the Commission or in
33 furtherance of the purposes of the administration of the Compact
34 prior to the effective date of the Compact or the Commission
35 coming into existence shall be considered to be actions of the
36 Commission unless specifically repudiated by the Commission.

37 4. Any State that joins the Compact shall be subject to the
38 Commission's Rules and bylaws as they exist on the date on which
39 the Compact becomes law in that State. Any Rule that has been

1 *previously adopted by the Commission shall have the full force*
2 *and effect of law on the day the Compact becomes law in that State.*

3 *B. Any Member State may withdraw from this Compact by*
4 *enacting a statute repealing that State's enactment of the Compact.*

5 *A Member State's withdrawal shall not take effect until one*
6 *hundred eighty (180) days after enactment of the repealing statute.*

7 *2. Withdrawal shall not affect the continuing requirement of the*
8 *withdrawing State's State Licensing Authority to comply with the*
9 *investigative and Adverse Action reporting requirements of this*
10 *Compact prior to the effective date of withdrawal.*

11 *3. Upon the enactment of a statute withdrawing from this*
12 *Compact, a State shall immediately provide notice of such*
13 *withdrawal to all Licensees within that State. Notwithstanding any*
14 *subsequent statutory enactment to the contrary, such withdrawing*
15 *State shall continue to recognize all licenses granted pursuant to*
16 *this Compact for a minimum of 180 days after the date of such*
17 *notice of withdrawal.*

18 *C. Nothing contained in this Compact shall be construed to*
19 *invalidate or prevent any licensure agreement or other cooperative*
20 *arrangement between a Member State and a non-Member State*
21 *that does not conflict with the provisions of this Compact.*

22 *D. This Compact may be amended by the Member States. No*
23 *amendment to this Compact shall become effective and binding*
24 *upon any Member State until it is enacted into the laws of all*
25 *Member States.*

26 **ARTICLE 14- CONSTRUCTION AND SEVERABILITY**

27 *This Compact and the Commission's rulemaking authority shall*
28 *be liberally construed so as to effectuate the purposes, and the*
29 *implementation and administration of the Compact. Provisions of*
30 *the Compact expressly authorizing or requiring the promulgation*
31 *of Rules shall not be construed to limit the Commission's*
32 *rulemaking authority solely for those purposes.*

33 *B. The provisions of this Compact shall be severable and if any*
34 *phrase, clause, sentence or provision of this Compact is held by*
35 *a court of competent jurisdiction to be contrary to the constitution*
36 *of any Member State, a State seeking participation in the Compact,*
37 *or of the United States, or the applicability thereof to any*
38 *government, agency, person or circumstance is held to be*
39 *unconstitutional by a court of competent jurisdiction, the validity*
40 *of the remainder of this Compact and the applicability thereof to*

1 any other government, agency, person or circumstance shall not
2 be affected thereby.

3 C. Notwithstanding Article 14.B, the Commission may deny a
4 State’s participation in the Compact or, in accordance with the
5 requirements of Article 12, terminate a Member State’s
6 participation in the Compact, if it determines that a constitutional
7 requirement of a Member State is a material departure from the
8 Compact. Otherwise, if this Compact shall be held to be contrary
9 to the constitution of any Member State, the Compact shall remain
10 in full force and effect as to the remaining Member States and in
11 full force and effect as to the Member State affected as to all
12 severable matters.

13 ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH
14 OTHER STATE LAWS

15 Nothing herein shall prevent or inhibit the enforcement of any
16 other law of a Member State that is not inconsistent with the
17 Compact.

18 B. Any laws, statutes, regulations, or other legal requirements
19 in a Member State in conflict with the Compact are superseded to
20 the extent of the conflict.

21 C. All permissible agreements between the Commission and the
22 Member States are binding in accordance with their terms.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.

32 SECTION 1. ~~It is the intent of the Legislature to enact~~
33 ~~legislation that would facilitate membership in an interstate~~
34 ~~cosmetology licensure compact.~~

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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senator Wilk

Subject: Alcoholic beverages:
licensing exemptions: barbering and
cosmetology services.

Bill Number: SB 247

Version: February 28, 2023

Existing Law:

Existing law generally prohibits anyone from manufacturing, importing, or selling alcoholic beverages in California without a license from the Department of Alcoholic Beverage Control. Existing law creates certain exceptions from this proscription, including by allowing the serving of beer or wine without a license or permit as part of a beauty salon service or barber shop service, subject to additional restrictions on the sizes of the beverages and hours of service.

This Bill:

This bill would revise the exception to instead apply to the serving of beer or wine as part of any service provided by an establishment that is subject to regulation by the State Board of Barbering and Cosmetology.

Status: 03/08/2023 Re-referred to Committee on Governmental Organization.

Analysis:

This bill only changes the verbiage from a “beauty salon or barber shop” to any establishment licensed by the Board. This bill does not have any effect on Board operations as the Board does not enforce this law. It simply clarifies that the exception applies to all Board establishments.

Committee Position Recommendation: Support

AMENDED IN SENATE FEBRUARY 28, 2023

SENATE BILL

No. 247

Introduced by Senator Wilk

January 26, 2023

An act to amend Section ~~108 23399.5~~ of the Business and Professions Code, relating to ~~professions and vocations~~: *alcoholic beverages*.

LEGISLATIVE COUNSEL'S DIGEST

SB 247, as amended, Wilk. ~~Department of Consumer Affairs~~. *Alcoholic beverages: licensing exemptions: barbering and cosmetology services*.

Existing law generally prohibits anyone from manufacturing, importing, or selling alcoholic beverages in California without a license from the Department of Alcoholic Beverage Control. Existing law creates certain exceptions from this proscription, including by allowing the serving of beer or wine without a license or permit as part of a beauty salon service or barber shop service, subject to additional restrictions on the sizes of the beverages and hours of service.

This bill would revise the exception described above to instead apply to the serving of beer or wine as part of any service provided by an establishment that is subject to regulation by the State Board of Barbering and Cosmetology.

~~Existing law establishes the Department of Consumer Affairs, which is comprised of boards that license and regulate various professions and vocations. Under existing law, each board within the department exists as a separate unit with specified functions.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23399.5 of the Business and Professions
2 Code is amended to read:

3 23399.5. (a) (1) A license or permit is not required for the
4 serving of alcoholic beverages in a limousine by any person
5 operating a limousine service regulated by the Public Utilities
6 Commission, provided there is no extra charge or fee for the
7 alcoholic beverages.

8 (2) For purposes of this subdivision, there is no extra charge or
9 fee for the alcoholic beverages when the fee charged for the
10 limousine service is the same regardless of whether alcoholic
11 beverages are served.

12 (b) (1) A license or permit is not required for the serving of
13 alcoholic beverages as part of a hot air balloon ride service,
14 provided there is no extra charge or fee for the alcoholic beverages.

15 (2) For purposes of this subdivision, there is no extra charge or
16 fee for the alcoholic beverages when the fee charged for the hot
17 air balloon ride service is the same regardless of whether alcoholic
18 beverages are served.

19 (c) A license or permit is not required for the serving of wine
20 or beer as part of ~~a beauty salon service or barber shop service~~ any
21 service provided by an establishment that is subject to regulation
22 by the State Board of Barbering and Cosmetology under the
23 Barbering and Cosmetology Act (Chapter 10 (commencing with
24 Section 7301) of Division 3) if the following requirements are met:

25 (1) There is no extra charge or fee for the beer or wine. For
26 purposes of this paragraph, there is no extra charge or fee for the
27 beer or wine if the fee charged for the ~~beauty salon service or~~
28 ~~barber shop~~ service is the same regardless of whether beer or wine
29 is served.

30 (2) The license of the establishment providing the ~~beauty salon~~
31 ~~service or barber shop~~ service is in good standing with the State
32 Board of Barbering and Cosmetology.

33 (3) No more than 12 ounces of beer or six ounces of wine by
34 the glass is offered to a client.

35 (4) The beer or wine is provided only during business hours and
36 in no case later than 10 p.m.

37 (5) Nothing in this subdivision shall be construed to limit the
38 authority of a city or city and county to restrict or limit the

1 consumption of alcoholic beverages, as described in this
2 subdivision, pursuant to Section 23791.

3 ~~SECTION 1. Section 108 of the Business and Professions Code~~
4 ~~is amended to read:~~

5 ~~108. Each board within the department exists as a separate unit,~~
6 ~~and has the functions of setting standards, holding meetings, and~~
7 ~~setting dates thereof, preparing and conducting examinations,~~
8 ~~passing upon applicants, conducting investigations of violations~~
9 ~~of laws under its jurisdiction, issuing citations and holding hearings~~
10 ~~for the revocation of licenses, and the imposing of penalties~~
11 ~~following those hearings, insofar as these powers are given by~~
12 ~~statute to each respective board.~~

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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senator Bradford

Subject: Barbering and
cosmetology

Bill Number: SB 384

Version: March 20, 2023

Existing Law:

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practices of barbering, cosmetology, and electrolysis by the State Board of Barbering and Cosmetology. Under existing law, the board is authorized to assess administrative fines for a violation of the act or a violation of any rules and regulations adopted by the board pursuant to the act. Existing law requires the board to determine by regulation when a fine is required to be assessed against both the holder of the establishment license and the individual licensee for the same violation and also requires the board to determine by regulation when a fine shall be assessed to only the holder of the establishment license or to only an individual licensee for the same violation.

This Bill:

This bill would require the board to establish by regulation a board-offered remedial education program, in lieu of a first offense of a health and safety violation. The bill would authorize the board to impose a fee to cover the reasonable regulatory cost of administering the program.

Status: 04/03/2023 Set for hearing April 24.

Analysis:

At the January 23, 2023, board meeting, the Board motioned to direct staff to pursue legislative change to Business and Professions Code section 7407.1 to allow remedial education to reduce or remove administrative fines in lieu of a first offense of a health and safety violation. This bill does exactly that and allows the Board to impose a fee to cover the regulatory cost of administering the remedial education program.

Committee Position Recommendation: Support

Introduced by Senator Bradford

February 9, 2023

An act to amend Section ~~7319~~ 7407.1 of the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

SB 384, as amended, Bradford. Barbering and cosmetology.

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practices of barbering, cosmetology, and electrolysis by the State Board of Barbering and Cosmetology. Under existing law, the board is authorized to assess administrative fines for a violation of the act or a violation of any rules and regulations adopted by the board pursuant to the act. Existing law requires the board to determine by regulation when a fine is required to be assessed against both the holder of the establishment license and the individual licensee for the same violation and also requires the board to determine by regulation when a fine shall be assessed to only the holder of the establishment license or to only an individual licensee for the same violation.

This bill would require the board to establish by regulation a board-offered remedial education program, in lieu of a first offense of a health and safety violation. The bill would authorize the board to impose a fee to cover the reasonable regulatory cost of administering the program.

~~Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of barbering and cosmetology by the State Board of Barbering and Cosmetology within the Department~~

of Consumer Affairs. Existing law exempts specified persons from those requirements.

This bill would make nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7407.1 of the Business and Professions
2 Code is amended to read:

3 7407.1. (a) The board shall determine by regulation when a
4 fine shall be assessed to both the holder of the establishment license
5 and the individual licensee for the same violation. The board shall
6 also determine by regulation when a fine shall be assessed to only
7 the holder of the establishment license or to only an individual
8 licensee for the same violation. In making these determinations,
9 the board shall consider the egregiousness of the violation of the
10 health and safety regulations and whether the violation is a repeated
11 violation by licensees within the same establishment.

12 (b) (1) The board shall establish by regulation a board-offered
13 remedial education program, in lieu of a first offense of a health
14 and safety violation.

15 (2) The board may impose a fee to cover the reasonable
16 regulatory cost of administering the program described in
17 paragraph (1).

18 SECTION 1. ~~Section 7319 of the Business and Professions~~
19 ~~Code is amended to read:~~

20 ~~7319. The following persons are exempt from this chapter:~~

21 ~~(a) All persons authorized by the laws of this state to practice~~
22 ~~medicine, surgery, dentistry, pharmacy, osteopathic medicine,~~
23 ~~chiropractic, naturopathy, podiatry, or nursing and acting within~~
24 ~~the scope of practice for which they are licensed.~~

25 ~~(b) Commissioned officers of the United States Army, Navy,~~
26 ~~Air Force, Marine Corps, members of the United States Public~~
27 ~~Health Service, and attendants attached to those services when~~
28 ~~engaged in the actual performance of their official duties.~~

29 ~~(c) Persons employed to render barbering, cosmetology, or~~
30 ~~electrolysis services in the course of and incidental to the business~~
31 ~~of employers engaged in the theatrical, radio, television or motion~~
32 ~~picture production industry.~~

1 ~~(d) Persons engaged in any practice within its scope when done~~
2 ~~outside of a licensed establishment, without compensation.~~

3 ~~(e) Persons engaged in the administration of hair, skin, or nail~~
4 ~~products for the exclusive purpose of recommending,~~
5 ~~demonstrating, or selling those products.~~

6 ~~(f) Persons who render barbering or cosmetology services in an~~
7 ~~institutional program during the course of and incidental to the~~
8 ~~incarceration or confinement of inmates, prisoners, or persons~~
9 ~~charged with a crime. However, all of the following conditions~~
10 ~~shall apply:~~

11 ~~(1) Those persons shall complete a barbering training course,~~
12 ~~developed by the Department of Corrections and Rehabilitation~~
13 ~~and approved by the Department of Consumer Affairs, in the proper~~
14 ~~care of instruments and the prevention of infectious diseases.~~

15 ~~(2) Those persons shall successfully pass an examination,~~
16 ~~developed and administered by the Department of Corrections and~~
17 ~~Rehabilitation, on the proper care of instruments and the prevention~~
18 ~~of infectious diseases.~~

19 ~~(3) All barbering facilities located in correctional institutions~~
20 ~~shall be subject to all appropriate health and safety sanitation~~
21 ~~standards, as determined by the Department of Corrections and~~
22 ~~Rehabilitation.~~



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senator Nguyen

Subject: Worker classification:
employees and independent
contractors: licensed manicurists.

Bill Number: SB 451

Version: March 20, 2023

Existing Law:

Existing law requires a 3-part test, commonly known as the “ABC” test, to determine if workers are employees or independent contractors for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission. Under the ABC test, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. Existing law exempts specified occupations and business relationships from the application of the ABC test and instead provides that these exempt relationships are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. These exemptions include services provided by a licensed manicurist, subject to the manicurist meeting specified conditions. Existing law makes this exemption for licensed manicurists inoperative on January 1, 2025.

This Bill: This bill would make the exemption for manicurists inoperative on January 1, 2030.

Status: 03/20/2023 From committee with author's amendments. Read second time and amended. Re-referred to Committee on Labor, Public Employment and Retirement.

Analysis: This bill does not impact operations of the Board; however, it would impact manicurists operating as booth renters/independent contractors. This bill would allow manicurists to remain exempt from the ABC test like the other Board license types, however only until January 1, 2030. At the March 13, 2023, Legislative and Budget Committee meeting, the Committee voted to recommend a support position to the full Board, however at that time, the introduced bill deleted the inoperative date, making manicurists exempt indefinitely. On April 26, 2021, the Board took a Support position for AB 231 (Nguyen), which deleted the inoperative date.

Committee Position Recommendation: Support

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 451

Introduced by Senator Nguyen

February 13, 2023

An act to amend Section 2778 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 451, as amended, Nguyen. Worker classification: employees and independent contractors: licensed manicurists.

Existing law requires a 3-part test, commonly known as the “ABC” test, to determine if workers are employees or independent contractors for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission. Under the ABC test, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. Existing law charges the Labor Commissioner with the enforcement of labor laws, including worker classification.

Existing law exempts specified occupations and business relationships from the application of the ABC test described above. Existing law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. These exemptions include services provided by a licensed manicurist, subject

to the manicurist meeting specified conditions. Existing law makes this exemption for licensed manicurists inoperative on January 1, 2025.

~~This bill would delete the January 1, 2025, inoperative date, thereby making licensed manicurists subject to this exemption indefinitely. extend the exemption for licensed manicurists, making it inoperative on January 1, 2030.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2778 of the Labor Code is amended to
2 read:

3 2778. (a) Section 2775 and the holding in Dynamex do not
4 apply to a contract for “professional services” as defined below,
5 and instead the determination of whether the individual is an
6 employee or independent contractor shall be governed by Borello
7 if the hiring entity demonstrates that all of the following factors
8 are satisfied:

9 (1) The individual maintains a business location, which may
10 include the individual’s residence, that is separate from the hiring
11 entity. Nothing in this paragraph prohibits an individual from
12 choosing to perform services at the location of the hiring entity.

13 (2) If work is performed more than six months after the effective
14 date of this section and the work is performed in a jurisdiction that
15 requires the individual to have a business license or business tax
16 registration, the individual has the required business license or
17 business tax registration in order to provide the services under the
18 contract, in addition to any required professional licenses or permits
19 for the individual to practice in their profession.

20 (3) The individual has the ability to set or negotiate their own
21 rates for the services performed.

22 (4) Outside of project completion dates and reasonable business
23 hours, the individual has the ability to set the individual’s own
24 hours.

25 (5) The individual is customarily engaged in the same type of
26 work performed under contract with another hiring entity or holds
27 themselves out to other potential customers as available to perform
28 the same type of work.

- 1 (6) The individual customarily and regularly exercises discretion
2 and independent judgment in the performance of the services.
- 3 (b) For purposes of this section:
- 4 (1) An “individual” includes an individual providing services
5 as a sole proprietor or other business entity.
- 6 (2) “Professional services” means services that meet any of the
7 following:
- 8 (A) Marketing, provided that the contracted work is original
9 and creative in character and the result of which depends primarily
10 on the invention, imagination, or talent of the individual or work
11 that is an essential part of or necessarily incident to any of the
12 contracted work.
- 13 (B) Administrator of human resources, provided that the
14 contracted work is predominantly intellectual and varied in
15 character and is of such character that the output produced or the
16 result accomplished cannot be standardized in relation to a given
17 period of time.
- 18 (C) Travel agent services provided by either of the following:
- 19 (i) A person regulated by the Attorney General under Article
20 2.6 (commencing with Section 17550) of Chapter 1 of Part 3 of
21 Division 7 of the Business and Professions Code.
- 22 (ii) An individual who is a seller of travel within the meaning
23 of subdivision (a) of Section 17550.1 of the Business and
24 Professions Code and who is exempt from the registration under
25 subdivision (g) of Section 17550.20 of the Business and Professions
26 Code.
- 27 (D) Graphic design.
- 28 (E) Grant writer.
- 29 (F) (i) Fine artist.
- 30 (ii) For the purposes of this subparagraph, “fine artist” means
31 an individual who creates works of art to be appreciated primarily
32 or solely for their imaginative, aesthetic, or intellectual content,
33 including drawings, paintings, sculptures, mosaics, works of
34 calligraphy, works of graphic art, crafts, or mixed media.
- 35 (G) Services provided by an enrolled agent who is licensed by
36 the United States Department of the Treasury to practice before
37 the Internal Revenue Service pursuant to Part 10 of Subtitle A of
38 Title 31 of the Code of Federal Regulations.
- 39 (H) Payment processing agent through an independent sales
40 organization.

1 (I) Services provided by any of the following:

2 (i) By a still photographer, photojournalist, videographer, or
3 photo editor who works under a written contract that specifies the
4 rate of pay and obligation to pay by a defined time, as long as the
5 individual providing the services is not directly replacing an
6 employee who performed the same work at the same volume for
7 the hiring entity; the individual does not primarily perform the
8 work at the hiring entity's business location, notwithstanding
9 paragraph (1) of subdivision (a); and the individual is not restricted
10 from working for more than one hiring entity. This subclause is
11 not applicable to a still photographer, photojournalist, videographer,
12 or photo editor who works on motion pictures, which is inclusive
13 of, but is not limited to, theatrical or commercial productions,
14 broadcast news, television, and music videos. Nothing in this
15 section restricts a still photographer, photojournalist, photo editor,
16 or videographer from distributing, licensing, or selling their work
17 product to another business, except as prohibited under copyright
18 laws or workplace collective bargaining agreements.

19 (ii) To a digital content aggregator by a still photographer,
20 photojournalist, videographer, or photo editor.

21 (iii) For the purposes of this subparagraph the following
22 definitions apply:

23 (I) "Photo editor" means an individual who performs services
24 ancillary to the creation of digital content, such as retouching,
25 editing, and keywording.

26 (II) "Digital content aggregator" means a licensing intermediary
27 that obtains a license or assignment of copyright from a still
28 photographer, photojournalist, videographer, or photo editor for
29 the purposes of distributing that copyright by way of sublicense
30 or assignment, to the intermediary's third-party end users.

31 (J) Services provided by a freelance writer, translator, editor,
32 copy editor, illustrator, or newspaper cartoonist who works under
33 a written contract that specifies the rate of pay, intellectual property
34 rights, and obligation to pay by a defined time, as long as the
35 individual providing the services is not directly replacing an
36 employee who performed the same work at the same volume for
37 the hiring entity; the individual does not primarily perform the
38 work at the hiring entity's business location, notwithstanding
39 paragraph (1) of subdivision (a); and the individual is not restricted
40 from working for more than one hiring entity.

1 (K) Services provided by an individual as a content contributor,
2 adviser, producer, narrator, or cartographer for a journal, book,
3 periodical, evaluation, other publication or educational, academic,
4 or instructional work in any format or media, who works under a
5 written contract that specifies the rate of pay, intellectual property
6 rights, and obligation to pay by a defined time, as long as the
7 individual providing the services is not directly replacing an
8 employee who performed the same work at the same volume for
9 the hiring entity, the individual does not primarily perform the
10 work at the hiring entity’s business location notwithstanding
11 paragraph (1) of subdivision (a), and the individual is not restricted
12 from working for more than one hiring entity.

13 (L) Services provided by a licensed esthetician, licensed
14 electrologist, licensed manicurist, licensed barber, or licensed
15 cosmetologist provided that the individual:

16 (i) Sets their own rates, processes their own payments, and is
17 paid directly by clients.

18 (ii) Sets their own hours of work and has sole discretion to
19 decide the number of clients and which clients for whom they will
20 provide services.

21 (iii) Has their own book of business and schedules their own
22 appointments.

23 (iv) Maintains their own business license for the services offered
24 to clients.

25 (v) If the individual is performing services at the location of the
26 hiring entity, then the individual issues a Form 1099 to the salon
27 or business owner from which they rent their business space.

28 (vi) *This subparagraph shall become inoperative, with respect*
29 *to licensed manicurists, on January 1, 2030.*

30 (M) A specialized performer hired by a performing arts company
31 or organization to teach a master class for no more than one week.
32 “Master class” means a specialized course for limited duration that
33 is not regularly offered by the hiring entity and is taught by an
34 expert in a recognized field of artistic endeavor who does not work
35 for the hiring entity to teach on a regular basis.

36 (N) Services provided by an appraiser, as defined in Part 3
37 (commencing with Section 11300) of Division 4 of the Business
38 and Professions Code.

1 (O) Registered professional foresters licensed pursuant to Article
2 3 (commencing with Section 750) of Chapter 2.5 of Division 1 of
3 the Public Resources Code.

4 (c) Section 2775 and the holding in *Dynamex* do not apply to
5 the following, which are subject to the Business and Professions
6 Code:

7 (1) A real estate licensee licensed by the State of California
8 pursuant to Division 4 (commencing with Section 10000) of the
9 Business and Professions Code, for whom the determination of
10 employee or independent contractor status shall be governed by
11 subdivision (b) of Section 10032 of the Business and Professions
12 Code. If that section is not applicable, then this determination shall
13 be governed as follows:

14 (A) For purposes of unemployment insurance by Section 650
15 of the Unemployment Insurance Code.

16 (B) For purposes of workers' compensation by Section 3200 et
17 seq.

18 (C) For all other purposes in the Labor Code by *Borello*. The
19 statutorily imposed duties of a responsible broker under Section
20 10015.1 of the Business and Professions Code are not factors to
21 be considered under the *Borello* test.

22 (2) A home inspector, as defined in Section 7195 of the Business
23 and Professions Code, and subject to the provisions of Chapter 9.3
24 (commencing with Section 7195) of Division 3 of that code.

25 (3) A repossession agency licensed pursuant to Section 7500.2
26 of the Business and Professions Code, for whom the determination
27 of employee or independent contractor status shall be governed
28 by Section 7500.2 of the Business and Professions Code, if the
29 repossession agency is free from the control and direction of the
30 hiring person or entity in connection with the performance of the
31 work, both under the contract for the performance of the work and
32 in fact.

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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senator Laird

Subject: Bagley-Keene Open Meeting Act: teleconferencing.

Bill Number: SB 544

Version: March 20, 2023

Existing Law:

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting. Existing law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements.

This Bill:

This bill would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting. This bill would require a state body that holds a meeting through teleconferencing

pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

Status: 03/29/2032 Re-referred to Governmental Organization Committee and Judiciary Committee.

Analysis: At the July 25, 2022 board meeting, the Board voted in favor of teleconference committee meetings and in-person full Board meetings with the option for hybrid if available. Teleconference meetings are a cost benefit because of the savings on travel and also makes it easier to schedule meetings. Having the option to hold teleconference meetings gives the Board more flexibility while still allowing public participation by call-in features.

Committee Position Recommendation: Support

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 544

Introduced by Senator Laird

February 15, 2023

An act to amend Section ~~50280.1~~ *11123* of the Government Code, relating to ~~local~~ *state* government.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as amended, Laird. ~~Historical—property—contracts—~~
Bagley-Keene Open Meeting Act: teleconferencing.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

Existing law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements.

This bill would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each

teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting.

This bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~Existing law authorizes an owner of any qualified historical property, as defined, to contract with the legislative body of a city, county, or city and county, to restrict the use of the property, as specified, in exchange for lowered assessment values.~~

~~This bill would make nonsubstantive changes to the provisions that define a qualified historical property.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 11123 of the Government Code is*
2 *amended to read:*

3 11123. (a) All meetings of a state body shall be open and
4 public and all persons shall be permitted to attend any meeting of
5 a state body except as otherwise provided in this article.

6 (b) (1) This article does not prohibit a state body from holding
7 an open or closed meeting by teleconference for the benefit of the
8 public and state body. The meeting or proceeding held by
9 teleconference shall otherwise comply with all applicable
10 requirements or laws relating to a specific type of meeting or
11 proceeding, including the following:

12 (A) The teleconferencing meeting shall comply with all
13 requirements of this article applicable to other meetings.

14 (B) The portion of the teleconferenced meeting that is required
15 to be open to the public shall be audible to the public at the location
16 specified in the notice of the meeting.

17 (C) If the state body elects to conduct a meeting or proceeding
18 by teleconference, it shall ~~post agendas at all teleconference~~
19 ~~locations and~~ conduct teleconference meetings in a manner that
20 protects the rights of any party or member of the public appearing
21 before the state body. ~~Each teleconference location shall be~~
22 ~~identified in the notice and agenda of the meeting or proceeding,~~
23 ~~and each teleconference location shall be accessible to the public.~~
24 *The state body shall provide a means by which the public may*
25 *remotely hear audio of the meeting, remotely observe the meeting,*
26 *or attend the meeting by providing on the posted agenda a*
27 *teleconference telephone number, an internet website or other*
28 *online platform, and a physical address for at least one site,*
29 *including, if available, access equivalent to the access for a*
30 *member of the state body participating remotely. The applicable*
31 *teleconference telephone number, internet website or other online*
32 *platform, and physical address indicating how the public can*
33 *access the meeting remotely and in person shall be specified in*
34 *any notice required by this article.*

35 (D) *The agenda shall provide an opportunity for members of*
36 *the public to address the state body directly pursuant to Section*
37 *11125.7 at each teleconference location. 11125.7.*

38 (⊕)

1 (E) All votes taken during a teleconferenced meeting shall be
2 by rollcall.

3 ~~(E)~~

4 (F) The portion of the teleconferenced meeting that is closed
5 to the public may not include the consideration of any agenda item
6 being heard pursuant to Section 11125.5.

7 ~~(F)~~

8 (G) At least one member *or staff* of the state body shall be
9 physically present at the location specified in the notice of the
10 meeting.

11 (2) For the purposes of this subdivision, “teleconference” means
12 a meeting of a state body, the members of which are at different
13 locations, connected by electronic means, through either audio or
14 both audio and video. This section does not prohibit a state body
15 from providing members of the public with additional locations
16 in which the public may observe or address the state body by
17 electronic means, through either audio or both audio and video.

18 (c) *If a state body holds a meeting through teleconferencing*
19 *pursuant to this section and allows members of the public to*
20 *observe and address the meeting telephonically or otherwise*
21 *electronically, the state body shall also do both of the following:*

22 (1) *Implement a procedure for receiving and swiftly resolving*
23 *requests for reasonable modification or accommodation from*
24 *individuals with disabilities, consistent with the federal Americans*
25 *with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and*
26 *resolving any doubt whatsoever in favor of accessibility.*

27 (2) *Advertise that procedure each time notice is given of the*
28 *means by which members of the public may observe the meeting*
29 *and offer public comment.*

30 ~~(e)~~

31 (d) The state body shall publicly report any action taken and
32 the vote or abstention on that action of each member present for
33 the action.

34 (e) *For purposes of this section, “participate remotely” means*
35 *participation in a meeting at a location other than the physical*
36 *location designated in the agenda of the meeting.*

37 *SEC. 2. The Legislature finds and declares that Section 1 of*
38 *this act, which amends Section 11123 of the Government Code,*
39 *imposes a limitation on the public’s right of access to the meetings*
40 *of public bodies or the writings of public officials and agencies*

1 *within the meaning of Section 3 of Article I of the California*
2 *Constitution. Pursuant to that constitutional provision, the*
3 *Legislature makes the following findings to demonstrate the interest*
4 *protected by this limitation and the need for protecting that*
5 *interest:*

6 *(a) By removing the requirement for agendas to be placed at*
7 *the location of each public official participating in a public meeting*
8 *remotely, including from the member’s private home or hotel room,*
9 *this act protects the personal, private information of public officials*
10 *and their families while preserving the public’s right to access*
11 *information concerning the conduct of the people’s business.*

12 *(b) During the COVID-19 public health emergency, audio and*
13 *video teleconference were widely used to conduct public meetings*
14 *in lieu of physical location meetings, and those public meetings*
15 *have been productive, increased public participation by all*
16 *members of the public regardless of their location and ability to*
17 *travel to physical meeting locations, increased the pool of people*
18 *who are able to serve on these bodies, protected the health and*
19 *safety of civil servants and the public, and have reduced travel*
20 *costs incurred by members of state bodies and reduced work hours*
21 *spent traveling to and from meetings.*

22 *(c) Conducting audio and video teleconference meetings*
23 *enhances public participation and the public’s right of access to*
24 *meetings of the public bodies by improving access for individuals*
25 *that often face barriers to physical attendance.*

26 ~~SECTION 1. Section 50280.1 of the Government Code is~~
27 ~~amended to read:~~

28 ~~50280.1. “Qualified historical property” for purposes of this~~
29 ~~article, means privately owned property that is not exempt from~~
30 ~~property taxation and that meets either of the following criteria:~~

31 ~~(a) The property is listed in the National Register of Historic~~
32 ~~Places or is located in a registered historic district, as defined in~~
33 ~~Section 1.191-2(b) of Title 26 of the Code of Federal Regulations.~~

34 ~~(b) The property is listed in any state, city, county, or city and~~
35 ~~county official register of historical or architecturally significant~~
36 ~~sites, places, or landmarks.~~



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senator Roth

Subject: Barbering and cosmetology: application, examination, and licensing fees.

Bill Number: SB 817

Version: February 17, 2023

Existing Law:

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law establishes the Barbering and Cosmetology Act, under the administration of the State Board of Barbering and Cosmetology, for the licensure and regulation of barbers and cosmetologists. Existing law specifies a hairstylist's application and examination fee shall be \$50, or an amount as determined by the board, not to exceed the reasonable cost of developing, purchasing, grading, and administering the examination, and not to exceed \$50.

This Bill:

This bill would instead require that the hairstylist application and examination fee be the actual cost to the board for developing, purchasing, grading, and administering the examination, and limit a hairstylist's initial license fee to \$50.

Status: 03/29/2023 Set for hearing April 10.

Analysis: This is clean-up language to make the hairstylist application and examination fee consistent with the other scopes and allow the Board to charge the actual cost to the Board for developing, purchasing, grading, and administering the examination. It also clarifies that the hairstylist's initial license fee shall not be more than \$50.

Committee Position Recommendation: Support

Introduced by Senator RothFebruary 17, 2023

An act to amend Section 7423 of the Business and Professions Code, relating to professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 817, as introduced, Roth. Barbering and cosmetology: application, examination, and licensing fees.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law establishes the Barbering and Cosmetology Act, under the administration of the State Board of Barbering and Cosmetology, for the licensure and regulation of barbers and cosmetologists. Existing law specifies a hairstylist's application and examination fee shall be \$50, or an amount as determined by the board, not to exceed the reasonable cost of developing, purchasing, grading, and administering the examination, and not to exceed \$50.

This bill would instead require that the hairstylist application and examination fee be the actual cost to the board for developing, purchasing, grading, and administering the examination, and limit a hairstylist's initial license fee to \$50.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7423 of the Business and Professions
2 Code is amended to read:
3 7423. The amounts of the fees required by this chapter relating
4 to licenses for individual practitioners are as follows:
5 (a) (1) Cosmetologist application and examination fee shall be
6 the actual cost to the board for developing, purchasing, grading,
7 and administering the examination.
8 (2) A cosmetologist initial license fee shall not be more than
9 fifty dollars (\$50).
10 (b) (1) An esthetician application and examination fee shall be
11 the actual cost to the board for developing, purchasing, grading,
12 and administering the examination.
13 (2) An esthetician initial license fee shall not be more than forty
14 dollars (\$40).
15 (c) (1) A manicurist application and examination fee shall be
16 the actual cost to the board for developing, purchasing, grading,
17 and administering the examination.
18 (2) A manicurist initial license fee shall not be more than
19 thirty-five dollars (\$35).
20 (d) (1) A barber application and examination fee shall be the
21 actual cost to the board for developing, purchasing, grading, and
22 administering the examination.
23 (2) A barber initial license fee shall be not more than fifty dollars
24 (\$50).
25 (e) (1) An electrologist application and examination fee shall
26 be the actual cost to the board for developing, purchasing, grading,
27 and administering the examination.
28 (2) An electrologist initial license fee shall be not more than
29 fifty dollars (\$50).
30 (f) An apprentice application and license fee shall be not more
31 than twenty-five dollars (\$25).
32 (g) The license renewal fee for individual practitioner licenses
33 that are subject to renewal shall be not more than fifty dollars
34 (\$50).
35 (h) (1) A hairstylist application and examination fee shall be
36 ~~fifty dollars (\$50) or a fee in an amount as determined by the board;~~
37 ~~not to exceed the reasonable cost of~~ *the actual cost to the board*

1 *for* developing, purchasing, grading, and administering the
2 ~~examination, not to exceed fifty dollars (\$50):~~ *examination.*

3 (2) *A hairstylist's initial license fee shall be not more than fifty*
4 *dollars (\$50).*

5 (i) Notwithstanding Section 163.5 the license renewal
6 delinquency fee shall be 50 percent of the renewal fee in effect on
7 the date of renewal.

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MEMORANDUM

DATE April 17, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Calimay Pham, Committee Chairperson

SUBJECT: March 20, 2023, Health and Safety Advisory Committee Meeting Update

The Health and Safety Advisory Committee reviewed and discussed the health and safety regulations, Title 16, California Code of Regulations section 977-995 (Attachment 1).

Board staff are finalizing the regulatory language and will be working with Department of Consumer Affairs to approve the language before bringing the proposed language to the full Board for discussion and possible approval.

BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

SPECIFIC LANGUAGE

LEGEND

<u>Underlined</u>	Indicates proposed additions to the existing regulation.
Strikeout	Indicates proposed deletions to the existing regulation.

Amend Section 977, Title 16, California Code of Regulations, as follows:

§ 977. Health and Safety Definitions.

The following words and terms, when used in this article, shall have the following meanings:

~~Autoclave—A device used to sterilize tools, equipment and supplies by subjecting them to high-pressure saturated steam.~~

~~Over-the-Counter—Cosmetology, barbering or electrology products that are made available for purchase by the general public without a physician’s prescription.~~

~~Cosmetics – Substances used to enhance the appearance of the human body.~~

Communicable Illness – Illness that is spread from person to person or from animals to people through the direct or indirect transmission of an infectious agent or its products.

~~Contaminated – The presence of blood or other potentially infectious materials on an item’s surface or visible debris such as dust, hair, nails, and skin.~~

Cosmetic Product – Any substance or mixture regardless of form (solid, liquid, or gas) intended to be applied to the human body for cleansing, beautifying, or altering appearance. Examples include, but are not limited to, shampoo, hairspray, hair color, makeup, lotion, wax, cuticle remover, and acrylic powder.

~~Dermis—The layer of skin just below the epidermis; the living layer of the skin.~~

~~Disinfect or Disinfection – The use of chemicals intended to eliminate ~~destroy~~ harmful bacteria, fungi, and viruses and pathogens on implements or tools to render them safe for use.~~

Disinfectant – A product registered by the U.S. Environmental Protection Agency (EPA) that has demonstrated bactericidal, fungicidal and virucidal activity. The products used must include a label from the manufacturer that indicates the EPA registration, and must be in liquid form to disinfect non-electrical tools and spray or wipe form to disinfect electrical tools and shears. Wipes and sprays may be used unless otherwise specified.

Dry Heat Sterilizer—A device used to sterilize equipment and supplies by use of hot air that is nearly or completely free of water vapor.

Epidermis – The outermost layer of the skin; ~~the non-living layer of the skin.~~

Electrical Tools – Any All tools used for barbering, cosmetology and electrology that comes in contact with a client and requires electricity to operate by means of an electrical cord, wireless charger, or battery. These include, but are not limited to clippers, blow dryers, curling irons and flat irons.

Foot Basin – Open portion of On a foot spa chair, or a stand-alone tub (with or without plumbing) the open vessel that is filled with water and in which the client's feet are placed during a pedicure.

Hot Styling Tools – Tools that utilize heat to style hair.

Linens – Items made of fabric material such as towels, robes, sheets, and smocks.

Non-Electrical Tools – Any All tools used for barbering, cosmetology and electrology that does not use any form of electricity to operate. These include, but are not limited to shears, razors, cuticle nippers, ~~cuticle pushers, nail clippers,~~ metal files, metal smoothers, combs and hair clips.

Non-porous – A material that does not allow fluids to pass through or be absorbed. Examples include, but are not limited to, metal, plastic, silicone and glass.

Poisonous—A substance that can cause sickness or death by entering or touching the body.

Porous – A material that allows fluids to pass through or be absorbed. Examples include, but are not limited to wood, cloth, stone, foam, and sponges.

Sanitary—A clean, healthy condition.

Soiled—dirty; not clean.

Single-Use Tool – Any item intended for disposal after a single-use only or any porous item that cannot be cleaned and disinfected. Examples include, but are not limited to,

gloves, cotton, lancets, nail files, toe separators, wooden sticks, sponges, and mascara wands.

Sterilize or Sterilization – The process of killing microorganisms (bacteria, fungi, viruses, and spores). The destruction of all microbial life, including bacteria, fungi, viruses, and spores, which removes or kills all forms of microbial life, including transmissible agents (such as fungi, bacteria, viruses and spore forms) by use of an autoclave or dry heat sterilizer.

Sterilizer – A device approved by the U.S. Food and Drug Administration (FDA) that sterilizes using high-pressure saturated steam (autoclave) or hot air that is nearly or completely free of water vapor (dry heat).

Tub—A standalone, open vessel that is filled with water and in which the client's feet are placed during a pedicure.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 978, Title 16, California Code of Regulations, as follows:

§ 978. Minimum Equipment and Supplies.

(a) All eEstablishments owners, and schools owners, and licensees shall have and maintain the following minimum equipment and supplies:

(1) Have If hair services are performed, at least one covered waste container per establishment for the disposal of hair, if hair services are performed. Hair must be disposed of in a covered waste container.

(2) Have at least one Closed covered containers labeled "Dirty" to hold used linens, all soiled towels, gowns, smocks, linens and sheets in any enclosed area frequented by the public.

(3) Closed, clean cabinets, drawers, or containers to hold Store all clean non-electrical tools, towels, gowns, smocks, and linens and sheets in separate closed, clean containers made of non-porous materials.

(4) Have cContainers for disinfectant solution labeled "Disinfectant" for tools and equipment to be disinfected. Containers must be labeled "Disinfectant Solution." contain sufficient disinfectant solution to allow for complete immersion.

(5) Each container specified in (4) shall contain sufficient disinfectant solution to allow for the total immersion of tools. Have disinfected tools, labeled as clean, that are ready for use.

~~(6) If electrolysis is performed, an autoclave or dry heat sterilizer that meets the requirements of Section 982 single-use, pre-sterilized filaments must be used.~~

~~(7)(b) Have Establishments and schools shall have disinfectant solution, mixed according to manufacturer's directions and/or spray or wipes, available for use at all times.~~

~~(8)(c) Have a A-manufacturer-labeled container for the disinfectant used must be available at all times in the establishment or school. In the event that the last remaining disinfectant has been used, the empty manufacturer-labeled container must be present.~~

~~(9) All establishment owners, school owners, and licensees shall not have all tools in the establishment labeled as "Dirty".~~

(b) All licensees shall maintain chemical safety in the following manner:

(1) All containers shall be distinctly labeled to disclose their contents.

(2) Safety Data Sheets (SDS) for all hazardous chemicals must be readily available through electronic or printed means during business hours.

(3) All chemicals must be stored according to the manufacturer's label. No chemicals shall be stored in areas accessible by the public, such as restrooms.

(4) All chemicals shall be disposed of according to the manufacturer's directions when provided.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 979, Title 16, California Code of Regulations and title, as follows:

§ 979. Disinfecting and Storing Non-Electrical Tools.

~~(a) Before use upon a client, a~~All non-electrical tools that can be disinfected, excluding shears, shall be disinfected before each use in the following sequential manner:

(1) Remove ~~all~~-visible debris.

(2) Clean with soap ~~or detergent~~ and water.

(3) Completely dry tools with a new, ~~clean~~ paper towel.

~~(4) Then totally immerse in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions. Use an EPA-registered disinfectant to wipe, spray or completely immerse tool for entire contact time. Any tool that cannot be disinfected with a wipe or spray must be immersed.~~

~~(5) Licensees or students shall wear~~ Wear protective gloves or use tongs when removing immersed tools from the disinfectant.

~~(6) Let air dry or dry with a new paper towel.~~

(b) The EPA-registered disinfectant solutions ~~specified in subdivision (a)~~ shall:

(1) Remain covered at all times.

(2) Be changed according to the manufacturer's instructions or when it is cloudy or contains debris.

(c) All tools used on a client or contaminated ~~soiled~~ in any manner shall be placed in a container labeled "Dirty," ~~"Soiled,"~~ or "Contaminated."

(d) All disinfected tools shall be stored in a clean, covered place that is labeled "Clean," or ~~"Disinfected."~~

(e) Disinfected non-electrical tools shall not be placed in a container, pouch or holder which cannot be disinfected. This includes any pockets, belts or holsters made of leather or cloth and includes hairclips being placed on any leather or cloth item of clothing.

~~(f) Shears shall be disinfected according to the following sequential procedures:~~

~~(1) Remove all visible debris.~~

~~(2) Clean with soap or detergent and water.~~

~~(3) Spray or wipe the shear with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions.~~

~~(g) Disinfected shears shall not be placed in a container, pouch or holder that cannot be disinfected.~~

~~(f)(h)~~ If tools specified in this section are sterilized in accordance with the requirements outlined in Section 982, the requirements of this section will be deemed to have been met.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 980, Title 16, California Code of Regulations, as follows:

§ 980. Disinfecting Electrical Tools.

(a) Clippers, and other electrical tools shall be ~~disinfected prior to~~ before each use in the following sequential manner:

(1) ~~First removing~~ Remove all visible debris from the tool; and

(2) Disinfect with an EPA-registered disinfectant spray or wipe following the manufacturer's directions. ~~with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions.~~

~~(b) All disinfected electrical tools shall be stored in a clean place.~~

~~(c) All soiled electrical tools used on a client, or soiled in any manner, shall be placed in a container labeled "Soiled", "Dirty" or "Contaminated" (excluding hot styling tools).~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 980.1, Title 16, California Code of Regulations and title, as follows:

§ 980.1. Procedures for Cleaning and Disinfecting Whirlpool Footspas, and Air-Jet Foot Basins.

(a) ~~As used in this section, "whirlpool footspa" or "spa" is defined as any basin using circulating water. After use with a client, each foot basin shall be disinfected in the following sequential manner:~~

(1) Drain water from basin.

(2) Remove and clean any removable parts, such as screens, jets, footplates, and/or magnetic jets. Removable parts shall be scrubbed and cleaned individually with a clean brush, liquid soap, and water.

(3) Rinse the inside walls of the basin with water.

(4) Reinsert any clean removable parts.

(5) Refill with water and add appropriate amount of EPA-registered disinfectant.

(A) Circulating Foot Basin: disinfectant solution must circulate for required contact time.

(B) Non-Circulating Foot Basin: disinfectant solution must remain undisturbed in basin for required contact time.

(6) Drain disinfectant from basin and rinse with clean water.

(7) Wipe dry with a new paper towel.

(b) Record each disinfection in the pedicure equipment cleaning log. The log must contain the date, time and initials of the person who completed the procedure.

(c) Single-use disposable, recyclable liners designed specifically and manufactured for use, and used as intended by the manufacturer, as a foot basin liner shall not be disinfected or re-used. Trash bags shall not be used in place of a foot basin liner. The liner must be disposed of immediately after use and the basin shall be cleaned and disinfected according to steps 1, 3, 5, 6, and 7 above and logged according to section (b) above.

(A) Establishment owners, school owners and licensees who utilize liners must maintain a supply of five liners per foot basin for use at all times.

(B) Liners shall not be placed in a foot basin until the client is present.

(C) Removable magnetic jets shall be cleaned after every use according to the requirements of 979(a) and must not be stored in the foot basin when the foot basin is not in use.

~~(b) An air-jet basin is defined as any basin using an air jet stream system to move water.~~

~~(c) After use upon each client, each whirlpool footspa or air jet basin shall be cleaned and disinfected in the following sequential manner:~~

~~(1) All water shall be drained from the basin.~~

~~(2) The inside walls of the basin shall be scrubbed and cleaned of all visible debris with a clean brush, liquid soap (labeled as such on soap product) and water.~~

~~(3) The spa basin shall be rinsed with water.~~

~~(4) The spa basin shall be refilled with clean water.~~

~~(5) The water in the basin shall be circulated with the correct amount (read manufacturer label for mixing instructions) of the EPA-registered hospital-liquid disinfectant that is labeled as a bactericide, fungicide and virucide, through the basin for at least 10 minutes.~~

~~(6) The spa basin must be drained, rinsed, and wiped dry with a new, clean paper towel.~~

- ~~(7) Record this procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.~~
- ~~(d) At the end of each day and after the last client, each whirlpool footspa or air-jet basin shall be cleaned and disinfected in the following sequential manner:~~
- ~~(1) The screen and any other removable parts shall be removed.~~
 - ~~(2) Scrub all visible debris from the screen, inside walls of the basin, any other removable parts, and the area behind them with a clean brush, liquid soap (labeled as such on soap product) and water.~~
 - ~~(3) Reinsert the clean screen and any other removable parts.~~
 - ~~(4) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow the spa manufacturer's instructions).~~
 - ~~(5) Drain the detergent solution and rinse the basin.~~
 - ~~(6) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide through the basin for at least 10 minutes.~~
 - ~~(7) Drain, rinse and wipe the basin dry with a new, clean paper towel and allow basin to dry completely.~~
 - ~~(8) Record this procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.~~
- ~~(e) At least once each week, after completing the procedures provided in subsection (d) (1 through 6), each whirlpool footspa and air-jet basin shall not be drained and the following sequential procedures shall be followed:~~
- ~~(1) Do not drain the disinfectant solution. The unit shall be turned off and the disinfecting solution shall be left undisturbed in the unit for at least 6 hours.~~
 - ~~(2) After the disinfectant solution has been sitting at least 6 hours, drain and rinse the basin with clean water.~~
 - ~~(3) Refill the basin with clean water and flush the system.~~
 - ~~(4) Record this procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.~~
- ~~(f) The pedicure equipment cleaning log shall be made available upon request by either a client or a board representative.~~
- ~~(g) A whirlpool footspa "Not in Service" must have a notation on the pedicure equipment cleaning log that the footspa is not in service. The footspa must have a "Not in Service" sign displayed upon the chair and be kept in a sanitary condition.~~
- ~~(h) A violation of this section may result in an administrative fine and/or disciplinary action. Each whirlpool footspa or air-jet basin not in compliance with this section may result in a separate violation.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Repeal Section 980.2, Title 16, California Code of Regulations, as follows:

~~§ 980.2. Procedures for Cleaning and Disinfecting Pipe-less Footspas.~~

~~(a) As used in this section, "pipe-less" footspa is defined as any unit with footplates, impellers, impeller assemblies and propellers.~~

~~(b) After use upon each client, each pipe-less footspa shall be cleaned and disinfected in the following sequential manner:~~

~~(1) All water shall be drained from the spa basin.~~

~~(2) Remove footplate, and any other removable components according to the manufacturer's instructions.~~

~~(3) Scrub all visible debris from the impeller, footplate, inside walls of the basin, and other components and the areas behind or under each with a clean brush, liquid soap (labeled as such on soap product) and water. Rinse with clean water.~~

~~(4) Reinsert the properly cleaned footplate, and other components.~~

~~(5) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.~~

~~(6) Drain, rinse and wipe the basin dry with a new, clean paper towel.~~

~~(7) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.~~

~~(c) At the end of every day and after performing the procedures provided in subsection (b) (1 through 7) and after the last client, each pipe-less footspa shall be cleaned and disinfected in the following sequential manner:~~

~~(1) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow manufacturer's instructions).~~

~~(2) Drain the detergent solution and rinse the basin.~~

~~(3) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.~~

~~(4) Drain, rinse and wipe the basin dry with a new, clean paper towel.~~

~~(5) Allow the basin to dry completely.~~

~~(6) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.~~

~~(d) At least once each week, after completing the procedures provided in subsection (c) (1 through 3), and the disinfectant solution in each pipe-less footspa shall not be drained and the following sequential procedures shall be followed:~~

~~(1) The unit shall be turned off and the disinfecting solution shall be left in the unit undisturbed for at least 6 hours.~~

~~(2) After the disinfectant solution has been sitting at least 6 hours, rinse and wipe the basin dry with a new, clean paper towel.~~

- ~~(3) Record this procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.~~
- ~~(e) The pedicure equipment cleaning log shall be made available upon request by either a client or a board representative.~~
- ~~(f) A whirlpool footspa "Not in Service" must have a notation on the pedicure equipment cleaning log that the footspa is not in service. The footspa must have a "Not in Service" sign displayed upon the chair and be kept in a sanitary condition.~~
- ~~(g) A violation of this section may result in an administrative fine and/or disciplinary action. Each pipe-less footspa not in compliance with this section may result in a separate violation.~~

Note: Authority cited: Sections 7312 and 7406, Business and Professions Code.
Reference: Section 7312(e), Business and Professions Code.

Repeal Section 980.3, Title 16, California Code of Regulations, as follows:

~~§ 980.3. Procedures for Cleaning and Disinfecting Non-Whirlpool Foot Basins or Tubs~~

- ~~(a) As used in this section, "non-whirlpool foot basins" or "tubs" are defined as any basin, tub, footbath, sink, bowl, and all non-electrical equipment that holds water for a client's feet during a pedicure service.~~
- ~~(b) After use upon each client, each non-whirlpool foot basin or tub shall be cleaned and disinfected in the following sequential manner:~~
- ~~(1) All water shall be drained from the foot basin or tub.~~
- ~~(2) The inside surfaces of the foot basin or tub shall be scrubbed and cleaned of all visible debris with a clean brush, liquid soap (labeled as such on soap product) and water.~~
- ~~(3) The foot basin or tub shall be rinsed with clean water.~~
- ~~(4) Refill the foot basin or tub with clean water and the correct amount (read the label for mixing instructions) of the EPA-registered hospital liquid disinfectant which the label claims is a bactericide, fungicide, and virucide. Leave the disinfecting solution in the foot basin or tub for at least 10 minutes.~~
- ~~(5) Drain, rinse and wipe the basin dry with a new, clean paper towel.~~
- ~~(6) Record this procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.~~
- ~~(c) The pedicure equipment cleaning log shall be made available upon request by either a client or a board representative.~~
- ~~(d) A violation of this section may result in an administrative fine and/or disciplinary action. Each non-whirlpool foot basin or tub not in compliance with this section may result in a separate violation.~~
- ~~(e) All disinfected basins or tubs shall be stored in a clean, covered place labeled "Clean" or "Disinfected".~~

Note: Authority cited: Sections 7312 and 7406, Business and Professions Code.
Reference: Section 7312(e), Business and Professions Code.

Repeal Section 980.4, Title 16, California Code of Regulations, as follows:

§ 980.4. Disposable Foot Basin or Tub Liners

~~(a) Single use, disposable, recyclable, liners designed specifically and manufactured for use as a foot basin or tub liner shall be disposed of immediately after each use and may not be disinfected or reused.~~

~~(1) After disposal of the pedicure basin liner the basin or tub shall be scrubbed and cleaned of all visible debris with a clean brush and liquid soap (labeled as such on soap product) and water. The foot basin or tub shall be rinsed with clean water and wiped dry with a new, clean paper towel.~~

~~(2) Record the cleaning procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.~~

~~(3) The pedicure equipment cleaning log shall be made available upon request by either a client or a board representative.~~

~~(4) Establishments or schools that utilize the liners must maintain a supply of five (5) liners per foot tub basin for use at all times.~~

Note: Authority cited: Sections 7312 and 7406, Business and Professions Code.
Reference: Section 7312(e), Business and Professions Code.

Amend Section 981, Title 16, California Code of Regulations and title, as follows:

§ 981. Disposing Single-Use Tools and Supplies.

(a) All single-use tools and supplies which come into direct contact with a client and cannot be disinfected (including, but not limited to buffers, pumice stones, wax sticks, toe separators, gloves, cotton pads, sponges, emery boards, and neck strips) shall be disposed of in a waste container immediately after use on a single client.

(b) New supplies and single use, disposable tools shall be stored in a clean, covered place labeled "New." Any single-use tools categorized as "sharps," including, but not limited to, pre-sterilized filaments, dermaplaning blades, hair razors, and lancets must be placed in a puncture-resistant, disposable sharps container immediately after use, when contaminated before use, or when opened and found damaged. The sharps disposal container must be replaced when not more than three-quarters full and disposed of as biohazardous waste.

(c) No person working or training in an establishment or school shall be permitted to carry any tools or supplies in or on a garment or uniform (including pouches and

holsters) while practicing any of the acts as defined in Section 7316 of the Business and Professions Code.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 982, Title 16, California Code of Regulations and title, as follows:

§ 982. Sterilizing Electrolysis Tools.

(a) If a licensee, establishment owner or school owner chooses to sterilize no-electrical tools, the tools must be processed in the following sequential manner:

(1) Remove visible debris.

(2) Clean with soap and water.

(3) Package tools in sterilization pouches before processing in either the FDA-approved autoclave or dry heat sterilizer.

(4) After the sterilization cycle, sterilized tools shall remain in their pouches until ready for use. Pouches must be dated, labeled "Sterilized" (or have color indicators), and be undamaged.

(5) Any tool removed from the sterilization pouch, found in a damaged pouch, used on a client or contaminated in any manner shall be placed in a container labeled "Dirty."

(b) Sterilizers shall be checked monthly by a spore test kit sent to an independent laboratory to ensure efficacy.

(c) Spore test results shall be maintained in the establishment for one year and shall be made available upon request by either a client or a Board representative.

(d) Any package that was processed prior to a failed spore test result must be processed again with a functioning sterilizer.

~~(a) Before use upon a client in schools and establishments, all electrolysis tools that can be sterilized, excluding single-use, pre-sterilized, disposable needles/wire filaments, shall be sterilized by one of the following methods:~~

~~(1) Clean with soap or detergent and water (which may include the use of ultrasonic equipment) and then sterilized by one of the following methods:~~

~~(A) Autoclave, registered and listed with the U.S. Food and Drug Administration (FDA), used according to manufacturer's instructions.~~

- ~~(B) Dry heat sterilizer, registered and listed with the U.S. Food and Drug Administration (FDA), used according to manufacturer's instructions.~~
- ~~(C) Chemical (color change) indicators must be used on each sterilized package to indicate the sterilization process was completed.~~
- ~~(2) All sterilized tools shall remain in the package they were sterilized in until ready for use. This package must be undamaged and labeled "Sterilized" or "Sterilization".~~
- ~~(3) All tools that have been used on a client or soiled in any manner shall be placed in a container labeled "Dirty," "Soiled" or "Contaminated."~~
- ~~(4) Sterilization equipment shall be checked weekly to ensure that it is reaching the temperature required by manufacturer's instructions.~~
- ~~(b) Single use, pre-sterilized, disposable electrolysis needles/wire filaments must be placed in a puncture resistant sharps container immediately after use, when contaminated before use, or when opened and found damaged. The sharps container must be changed when not more than three quarters filled and disposed of as biohazardous waste.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 983, Title 16, California Code of Regulations and title, as follows:

§ 983. Hand Hygiene Personal Cleanliness.

- ~~(a) The attire of a licensee or student serving a client shall at all times be clean.~~
- ~~(a)(b) Every licensee or student performing services shall thoroughly wash their his or her hands with soap and water or use any equally effective alcohol-based hand-cleaning product immediately before serving each client.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 984, Title 16, California Code of Regulations and title, as follows:

§ 984. Communicable Illness Disease and Infestation.

- (a) No establishment owner or school owner shall knowingly permit a licensee or student afflicted with an infection or parasitic infestation capable of being transmitted to a client to serve clients or train in the establishment or school. A licensee or student with fever, vomiting, diarrhea, or rash of unknown origin shall not perform services on clients, unless a note from a healthcare provider confirms they are not contagious.
- (b) No establishment owner or school owner shall knowingly require or permit a licensee or student to work on a client with an infection or parasitic infestation capable of

being transmitted to the licensee or student. A client who provides documentation from a healthcare provider that specifically states there is no risk of transmission (for example, psoriasis or eczema) is not considered to be infectious.

- ~~(c) Infections or parasitic infestation capable of being transmitted between licensee or student and client include, but are not limited to, the following:~~
- ~~–Cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever.~~
 - ~~–Streptococcal pharyngitis (“Strep throat”), until 24 hours after treatment has been initiated, and 24 hours after resolution of fever.~~
 - ~~–Purulent conjunctivitis (“pink eye”), until examined by a physician or other licensed clinician and approved for return to work.~~
 - ~~–Pertussis (“whooping cough”), until five days of antibiotic therapy has been completed.~~
 - ~~–Varicella (“chicken pox”), until the sixth day after onset of rash or sooner if all lesions have dried and crusted.~~
 - ~~–Mumps, until nine days after onset of parotid gland swelling.~~
 - ~~–Tuberculosis, until a local health department authority states that the individual is noninfectious.~~
 - ~~–Impetigo (bacterial skin infection), until 24 hours after treatment has begun.~~
 - ~~–Pediculosis (head lice), until the morning after first treatment.~~
 - ~~–Scabies (“crabs”), until after treatment has been completed.~~

~~(c)(d)~~ Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this section.

~~(d)(e)~~ No person working or training in an establishment or school shall perform services shall be performed upon a surface of the skin or scalp where such skin is inflamed or broken (e.g., abraded, cut), or where a skin infection or eruption is present without wearing new single-use gloves; nor shall a person working or training in an establishment or school perform services be performed if the skin of a licensee’s his or her hands is inflamed, or broken, or where a skin infection or eruption is present, without wearing new single-use gloves.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code; and Section 121365, Health and Safety Code.

Repeal Section 985, Title 16, California Code of Regulations, as follows:

~~§ 985. Neck Strips.~~

~~A sanitary neck strip or towel shall be used to keep the protective covering, such as client capes, from coming in direct contact with a client’s neck.~~

~~Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.~~

Amend Section 986, Title 16, California Code of Regulations and title, as follows:

§ 986. Neck Dusters and Brushes.

(a) ~~Before use on a client, all brushes, including but not limited to, natural fiber, facial, acrylic, nail art, tint and make-up brushes~~ neck or nail dusters and all other manicure brushes that are used in an establishment or school on a client shall be cleaned in the following sequential manner:

(1) ~~Remove all-visible debris.~~

(2) ~~Clean with soap or detergent and water~~ a cleansing agent appropriate to the brush.

i. Use make-up brush liquid spray cleaner or isopropyl alcohol for makeup brushes.

ii. Use an EPA-registered disinfectant according to manufacturer's directions for hairbrushes.

iii. Use acrylic monomer or acetone-based cleaners for acrylic application brushes.

iv. Use isopropyl alcohol or acetone-based cleaners for gel color and nail art brushes.

(3) ~~Lay brushes on a towel to dry. Dry dusters or brushes.~~

(4) ~~Store all clean dusters or brushes in a clean, covered container~~ place which is labeled "Clean."

(5) ~~All dusters or brushes used on a client or contaminated~~ soiled in any manner shall be placed in a container labeled "Dirty," "Soiled" or "Contaminated".

(b) ~~Before use on a client, natural fiber, facial, acrylic, gel, nail art, and makeup brushes used in an establishment or school, on a client, shall be cleaned in the following sequential manner:~~

(1) ~~Remove all visible debris.~~

(2) ~~Clean by using a cleansing agent(s) such as: monomer, makeup brush liquid/spray cleaner, alcohol.~~

(3) Dry brushes.

(4) Store all clean brushes in a clean, covered place which is labeled "Clean".

(5) All brushes used on a client or soiled in any manner shall be placed in a container labeled "Dirty", "Soiled" or "Contaminated".

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e) Business and Professions Code.

Amend Section 987, Title 16, California Code of Regulations and title, as follows:

§ 987. LinenTowels.

(a) After a ~~towel, sheet, robe, linen, or smock~~ has been used once, it shall be placed deposited in a closed, vented container made of non-porous material labeled "Dirty" and not used again until properly laundered and sanitized.

(b) ~~Towels, sheets, robes, linen and smocks~~ Linen shall be laundered either by regular commercial laundering or by a noncommercial laundering process, ~~which includes immersion in water at least 160oF for not less than twenty-five (25) minutes during the washing or rinsing operation. Alternately, it is acceptable if the commercial laundry opts to use chemicals and cold water to reduce organisms on laundry, provided the laundry follows manufacturers' instructions for washing machines, dryers, detergents, rinse aids, and other additives. The laundry detergents used are not required to have stated antimicrobial claims.~~ Non-commercial laundering requires using a washer on the hot water setting and a dryer until linens are hot to the touch.

(c) All clean ~~towels, sheets, robes, linen and smocks~~ shall be stored in clean, closed cabinets or a clean, closed container.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 988, Title 16, California Code of Regulations and title, as follows:

§ 988. Multi-Use Containers. Liquids, Creams, Powders, and Cosmetics.

(a) All ~~liquids, creams, waxes, shampoos, gels and other cosmetic preparations~~ cosmetic products shall be kept in clean, closed containers. Powders may be kept in clean shakers.

(b) ~~All bottles and containers shall be distinctly and correctly labeled to disclose their contents. All bottles and containers containing poisonous substances shall be~~

~~additionally and distinctly marked as such. Poisonous substances that are maintained in the manufacturer labeled container are not required to have additional labeling.~~

~~(c)(b)~~ When only a portion of a cosmetic ~~preparation product~~ is to be used on a client, it shall be removed from the bottle or container in such a way as not to contaminate the remaining portion.

(1) This provision does not apply to cosmetic ~~preparations products~~ that have been demonstrated to be unlikely to transmit pathogens, ~~(e.g., such as nail polish, artificial nail acrylic monomer, liquids and gel nail polish).~~

~~(d)(c)~~ ~~Pencil cosmetics~~ Cosmetic pencils shall be sharpened before each use and pencil sharpeners shall be disinfected after each use according to section 979(a).

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 989, Title 16, California Code of Regulations and title, as follows:

~~§ 989. Prohibited Hazardous Substances, /Use of Products. No establishment or school shall:~~ Equipment, Tools and Supplies.

~~(a) Have on the premises cosmetic products containing hazardous substances banned by the U.S. Food and Drug Administration for use in cosmetic products. Establishment owners, school owners, and licensees shall not have on the premises or use:~~

~~(1)(b) Have on the premises m~~Methyl methacrylate monomer, and/or methylene chloride.

(2) Methylene chloride.

(3) A credo blade, rasp or any other tool intended to mechanically cut or remove skin, corns and/or calluses.

(4) Ultra-violet light boxes or cabinets used for sterilization or disinfection of tools. This does not include lights used to cure gel nail polish.

(5) Sterilization pouches (unless used with an autoclave or dry heat sterilizer according to section 982).

(6) Roll-on wax applicators that cannot be disinfected.

(7) Neck or nail dusters.

(8) Glue or adhesive unless used according to manufacturer's instructions and intended use.

(10) Piercing and tattooing equipment or machines unless trained and registered with the appropriate regulating agency.

(b) Establishment owners, school owners and licensees shall not advertise or provide:

(1) Any type of injection, regardless of whether the device uses a needle.

(2) Removal of hair from the inside of the nose or ear canal.

(3) Removal of ingrown toenails.

(4) Removal of moles and/or skin tags.

(5) Emptying the intestines by means of adding fluids to the lower portion of the gastrointestinal tract or rectum, such as colonics.

(6) Medical claims such as weight loss or detoxification.

(7) Any service using a live animal as a part of the service.

~~(c) Use a product in a manner that is disapproved by the FDA, Occupational Safety and Health Administration or EPA.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 990, Title 16, California Code of Regulations and title, as follows:

§ 990. ~~Headrests, Shampoo Trays and Bowls,~~ and Treatment Tables.

~~(a) The headrest of chairs shall be covered with a clean towel or paper sheet for each client.~~

~~(b)(a) Shampoo trays and bowls must be cleansed-cleaned with soap and water or other detergent after each use shampoo, kept in good repair, and kept in a clean sanitary condition at all times.~~

~~(c)(b) Before service, tTreatment tables shall must be covered with either new clean single-use treatment table paper, a clean towel-linen or a clean sheet, non-porous covering that shall be disinfected between uses after each use. After a towel or sheet has been used once, it shall immediately be removed from the treatment table and be~~

~~deposited in a closed container and not used again until it has been properly laundered and sanitized.~~

(c) Treatment table paper shall be immediately disposed of after a single use. Disinfect the treatment table before covering with clean treatment table paper, a clean linen, or a non-porous covering. Used linens shall be handled according to the requirements of section 987.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 991, Title 16, California Code of Regulations, as follows:

§ 991. Invasive Procedures.

(a) No licensee or student may use or have on the premises any a product, device, machine, or other technique or combination of the same, which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis. Any such act shall be considered an invasive procedure.

(b) Prohibited ~~invasive~~ procedures include, but are not limited to, the following:

~~(1) Application of electricity that visibly contracts the muscle.~~

~~(2) Application of topical lotions, creams, serums or other substances which require a physician's prescription or a medical license to purchase.~~

~~(23) Penetration of the skin by metal needles or filaments, except electrolysis needles/wire filaments, in electrology services performed by a licensed electrologist.~~

~~(34) Abrasion and/or exfoliation of the skin below the epidermis epidermal layers.~~

~~(45) Removal of any callus, corn or skin tag by means of a razor-edged tool or similar device.~~

(5) Any action that results in thermal, chemical or electrical burn of the skin.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, 7320, 7320.1, Business and Professions Code.

Repeal Section 992, Title 16, California Code of Regulations, as follows:

~~§ 992. Skin Exfoliation.~~

- ~~(a) Only the upper layer of the skin, known as the epidermis, may, by any method or means, be removed, and then only for the purpose of improving the appearance of the skin.~~
- ~~(b) Skin removal techniques and practices which result in destruction of living tissue beyond the epidermal layer of the skin is prohibited.~~
- ~~(c) Only over the counter products that are not sold for physician's use only may be used for the purpose of skin exfoliation.~~
- ~~(d) All skin exfoliation products must be applied using the manufacturer's instructions for consumer health and safety.~~

~~Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, and 7320, Business and Professions Code.~~

Repeal Section 993, Title 16, California Code of Regulations, as follows:

~~§ 993. Prohibited Tools.~~

- ~~(a) No establishment or school shall have on the premises or use any razor-edged tool for the purpose of removing calluses or other similar procedures.~~
- ~~(b) No establishment or school shall have on the premises or use any needle-like tool used for the purpose of extracting skin blemishes and other similar procedures.~~

~~Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7320, and 7320.1, Business and Professions Code.~~

Amend Section 994, Title 16, California Code of Regulations, as follows:

§ 994. Cleanliness and Repair.

Establishment owners, school owners, and licensees shall:

- ~~(a) Establishments and schools shall k~~Keep ~~the floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures, and equipment clean and in good repair.~~
- ~~(b) Not allow No establishment or school shall permit an waste, hair clippings, or refuse to accumulateion of waste, hair clippings, or refuse or overflow their containers.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 995, Title 16, California Code of Regulations, as follows:

§ 995. Building Standards.

(a) All licensed establishments and schools shall have:

~~(1)(a) Establishments and schools shall have a~~ A system of adequate ventilation in accordance with Part 2, Section 1203, Title 24, California Code of Regulations.

~~(2)(b) A supply of hot and cold running water shall be provided in accordance with Part 5, Section 601.34.1, Title 24, California Code of Regulations.~~

~~(3)(c) Establishments and schools shall supply potable~~ Potable drinking water in accordance with Part 5, Section 601.34.3, Title 24, California Code of Regulations.

~~(4)(d) Establishments and schools shall provide hand~~ Hand washing facilities in accordance with Part 5, Section 601.34.2, Title 24, California Code of Regulations.

~~(5)(e) Establishments and schools shall provide public~~ Public toilet rooms in accordance with Part 5, Sections 422.6, 422.7, and Table No. 422.1, Title 24, California Code of Regulations.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e) and 7352, Business and Professions Code.



MEMORANDUM

DATE April 17, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Discussion and Possible Action Regarding Rulemaking Proposals:

- a. Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, and 962, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)
- b. Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)
- c. Update Regarding Rulemaking to Amend Title 16, CCR section 950.10 (Transfer of Credit)
- d. Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)
- e. Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)

The following regulation packages are under review by the Board's Regulations Attorney:

- Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, and 962, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)
- Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)
- Title 16, CCR section 950.10 (Transfer of Credit)
- Title 16, CCR Section 972 (Disciplinary Guidelines)

Board staff are drafting the regulatory language for the following package:

- Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)

Agenda Items
No. 15-17
No Attachments